PREVENTION OF FOOD ADULTERATION ACT, 1954

together with

Prevention of Food Adulteration Rules, 1955

and

Notifications and Commodity Index

Seventeenth Edition, 1996

EASTERN BOOK COMPANY

FOOD SAFETY & ANALYTICAL
QUALITY CONTROL LABORATORY
Central Food Technological Research Institute
MYSORE - 570 013

PREVENTION OF FOOD ADULTERATION ACT, 1954

Transferred to TTBD dept.
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Sh. S.P. Pillai

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The Prevention of Food Adulteration Act, 1954

[Act 37 of 1954]

together with

Prevention of Food Adulteration Rules, 1955

and

NOTIFICATIONS AND COMMODITY INDEX

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FOOD SAFETY & ANALYTICAL
QUALITY CONTROL LABORATORY
Central Food Technological Research Institute

PUBLISHERS' NOTE

We are pleased to bring out the Seventeenth Edition to this very popular publication. Since the last edition several amendments have been made to the Rules and a few corrigenda also received, which have been incorporated in this edition.

The text of the Act has been amended by Act 22 of 1995.

The text of the Rules is amended up to the Prevention of Food Adulteration (First Amendment) Rules, 1996.

The Commodity Index has also been revised to enable the readers to locate the relevant rule and the standard by name of the food, article or product.

We welcome suggestions for further improvement of this publication.

March 11, 1996

CONTENTS

		Pages
I.	**Prevention of Food Adulteration Act, 1954 . . . . . .**	**1-34**
Sections		
	PRELIMINARY	
1.	Short title, extent and commencement	1
2.	Definitions	1
2-A.	Rule of construction	7
	CENTRAL COMMITTEE FOR FOOD STANDARDS AND CENTRAL FOOD LABORATORY	
3.	The Central Committee for Food Standards	7
3-A.	Appointment of Secretary and other staff	8
4.	Central Food Laboratory	8
	GENERAL PROVISIONS AS TO FOOD	
5.	Prohibition of import of certain articles of food . .	9
6.	Application of law relating to sea customs and powers of Customs Officers	9
7.	Prohibition of manufacture, sale, etc. of certain articles of food	10
	ANALYSIS OF FOOD	
8.	Public analysts	10
9.	Food Inspectors	11
10.	Powers of food inspectors	11
11.	Procedure to be followed by food inspectors . .	14
12.	Purchaser may have food analysed	16
13.	Report of public analyst	17
	MISCELLANEOUS	
14.	Manufacturers, distributors and dealers to give warranty. .	19
14-A.	Vendor to disclose the name, etc., of the person from whom the article of food was purchased	20
15.	Notification of food poisoning	20
16.	Penalties	20
16-A.	Power of court to try cases summarily	25
17.	Offences by companies	26
18.	Forfeiture of property	28
19.	Defences which may or may not be allowed in prosecutions under this Act	28
20.	Cognizance and trial of offences	29

Sections		*Pages*
20-A.	Power of court to implead manufacturer, etc. . .	30
20-AA.	Application of the Probation of Offenders Act, 1958 and Section 360 of the Code of Criminal Procedure, 1973	31
21.	Magistrate's power to impose enhanced penalties . .	31
22.	Protection of action taken in good faith	31
22-A.	Power of Central Government to give directions . .	32
23.	Power of the Central Government to make rules . .	32
24.	Power of the State Government to make rules . .	34
25.	Repeal and saving	34
II.	**Prevention of Food Adulteration Rules, 1955** . .	**35-234**
Rules		
	PART I	
	PRELIMINARY	
1.	Short title, extent and commencement	35
2.	Definitions	35
	PART II	
	THE CENTRAL FOOD LABORATORY	
3.	Functions	36
4.	Analysis of food samples	37
	PART III	
	DEFINITIONS AND STANDARDS OF QUALITY	
5.	. . . .	38
	PART IV	
	PUBLIC ANALYSTS AND FOOD INSPECTORS	
6.	Qualifications of public analyst	38
7.	Duties of public analyst	39
8.	Qualifications for Food Inspector	40
9.	Duties of Food Inspector	41
9-A.	Sending of sample by Local (Health) Authority . .	42
9-B.	Local (Health) Authority to send report to person concerned	42
10.	Forms of order not to dispose of stock and of bond . .	42
11.	Form of receipt for food seized by a food inspector . .	42
12.	Notice of intention to take sample for analysis . .	43
12-A.	Warranty	43
12-B.	Form of nomination of Director or Manager and his consent, under Section 17	43
12-C.	Vendor to disclose name and address of Director/Manager in certain circumstances	44

Rules		*Pages*
13.	Power of Food Inspector to deal with carriers of disease handling food	44
	PART V	
	SEALING, FASTENING AND DESPATCH OF SAMPLES	
14.	Manner of sending samples for analysis	44
15.	Bottles or containers to be labelled and addressed	45
16.	Manner of packing and sealing the samples	45
17.	Manner of despatching containers of samples	46
18.	Memorandum and impression of seal to be sent separately	47
19.	Addition of preservatives to samples	47
20.	Preservative in respect of milk, cream, [dahi, khoa or khoa based and paneer-based sweets, such as Kalakand and Burfi, Chutney and prepared foods,] [gur; prepared coffee and prepared tea]	47
21.	Nature and quantity of the preservative to be noted on the label	49
22.	Quantity of sample to be sent to the public analyst	49
22-A.	Contents of one or more similar sealed containers having identical labels to constitute the quantity of a food sample	51
22-B.	Quantity of sample sent to be considered as sufficient	51
	PART VI	
	COLOURING MATTER	
23.	Unauthorised addition of colouring matter prohibited	51
24.	Extraneous addition of colouring matter to be mentioned on the label	52
25.	Use of caramel permitted	52
26.	Natural colouring matters which may be used	52
27.	Addition of inorganic matters and pigments prohibited	53
28.	Synthetic colours which may be used	53
29.	Use of permitted coal tar [food-colours] prohibited	53
30.	Maximum limit of permitted Coal tar [food colours]	54
31.	Colours to be pure	54
	PART VII	
	PACKING AND LABELLING OF FOODS	
32.	Package of food to carry a label.	54
32-A.	Nutritional Food	58
33.	Languages of the particulars or declaration of the label	58
34.	Declaration to be surrounded by line	59
35.	Distance of surrounding line	59

Rules		*Pages*
36.	Size of types used for declaration	59
37.	Labels not to contain false or misleading statements . .	59
37-A.	Manufacture of proprietary foods and infant food . .	59
37-B.	Labelling of infant foods	60
37-C.	Labelling of irradiated food	61
38.	Labels not to contain reference to Act or rules contradictory to required particulars	61
39.	Labels not to use words implying recommendations by medical profession	61
40.	Unauthorised use of words showing imitation prohibited. .	61
41.	Imitations not to be marked "pure"	62
42.	Form of labels	62
43.	Notice of addition, admixture or deficiency in food . .	71
43-A.	Restriction on advertisement	71

PART VIII

PROHIBITION AND REGULATING OF SALES

44.	Sale of certain admixtures prohibited	72
44-A.	[Prohibition on sale of Kesari dal/gram etc.] . .	73
44-AA.	Prohibition on use of carbide gas in ripening of fruits . .	74
44-AAA.	[Prohibition on use of mineral oil]	74
44-B.	Restriction on sale of ghee having less Reichert value than that specified for the area where such ghee is sold . .	74
44-C.	Restriction on sale of Til Oil produced in Tripura, Assam and West Bengal	75
44-D.	Restriction on sale of Carbia Callosa and Honey dew . .	75
44-E.	Restriction on sale of Kangra tea	75
44-F.	Restriction on sale of irradiated food	75
44-G.	Conditions for sale of flavoured tea	75
45.	Food resembling but not pure honey not to be marked honey	75
46.	Sale or use for sale of admixtures of ghee or butter prohibited	75
47.	Restriction on use and sale of artificial sweeteners . .	76
48.	Use of flesh of naturally dead animals or fowls prohibited	76
48-A.	Sale of permitted food colours	76
48-B.	Sale of insect-damaged dry fruits and nuts	77
48-C.	Sale of Food Additives	77

PART IX

CONDITIONS FOR SALE AND LICENCE

49.	Conditions for sale	78

Rules		*Pages*
50.	Conditions for licence	81
51.	Duration of licences	83
51-A.	Procedure for issue of licence in certain local areas . .	83
	PART X	
	PRESERVATIVES	
52.	Definition of preservative	84
53.	Classification of preservatives	84
54.	Use of more than one Class II preservative prohibited . .	85
55.	Use of Class II preservatives restricted	85
55-A.	Use of Class II preservatives in mixed foods . .	89
55-B.	Restriction on use of nitrate and nitrite	89
55-C.	Use of Natamycin for surface treatment of cheese (hard)	89
56.	[*Omitted*]	89
	PART XI	
	POISONOUS METALS	
57.	Poisonous metals	89
	PART XI-A	
	CROP CONTAMINANTS AND NATURALLY OCCURRING TOXIC SUBSTANCES	
57-A.	Crop contaminants	93
57-B.	Naturally occurring toxic substances	93
	PART XII	
	ANTI-OXIDANTS, EMULSIFYING AND STABILISING AND ANTI-CAKING AGENTS	
58.	Definition of anti-oxidant	93
59.	Restriction on use of anti-oxidants	93
59-A.	Use of anti-oxidants in Vitamin D preparation . .	94
60.	Definition of emulsifying and stabilising agents . .	94
61.	Restriction on use of emulsifying and stabilising agents. .	95
61-A.	Use of starch phosphate	95
61-B.	Use of emulsifying and stabilising agents in flavouring agents	95
61-C.	Use of emulsifying and stabilising agents in fruit products	95
61-D.	Use of emulsifying and stabilising agents in frozen desserts	95
62.	Restriction on use of anti-caking agents	95
62-A.	Anti-foaming agents in edible oils and fats	96
62-B.	Use of release agents in confectionery	96

Rules		*Pages*
	PART XIII	
	FLAVOURING AGENTS AND RELATED SUBSTANCES	
63.	Flavouring agents	96
63-A.	Restriction on use of flavouring agents	97
64.	Solvent in flavour	97
64-A.	Use of anti-oxidants, emulsifying and stabilising agents and food preservatives in flavour	97
64-B.	Use of monosodium glutamate	97
64-BB.	Extraneous addition of flavouring agent to be mentioned on the label	97
64-BBB.	[*Omitted*]	97
	PART XIII-A	
	CARRY OVER OF FOOD ADDITIVES	
64-C.	Carry over of food additives	98
	PART XIV	
	INSECTICIDES AND PESTICIDES	
65.	Restriction on the use of insecticides	98
	PART XV	
	SOLVENT EXTRACTED OILS AND EDIBLE FLOUR	
66.	Definition of solvent-extracted oils	106
67.	Conditions of manufacture, stock and sale of solvent-extracted oil	107
68.	Definition of solvent-extracted edible flour	107
69.	Conditions of manufacture, stock and sale of solvent-extracted edible flour	107
	PART XVI	
	SEQUESTERING AND BUFFERING AGENTS (ACIDS, BASES AND SALTS)	
70.	Definition of sequestering agents	108
71.	Definition of buffering agents	108
72.	Restrictions on the use of sequestering and buffering agents	108
72-A.	Restriction on use of certain substances	109
72-B.	Use of Glycerol Esters of Wood Resins (Ester Gum) . .	110
	PART XVII	
	IRRADIATION OF FOOD	
73.	[Definitions]	110
74.	Dose of Irradiation	111
75.	Requirement for the Process of Irradiation	111
76.	Restrictions on Irradiation of Food	111

Rules		*Pages*
77.	Record of Irradiation of Food	112
78.	Standards of Irradiated Food	112
	APPENDIX A	113
	FORMS	113
	APPENDIX B	122
	DEFINITIONS AND STANDARDS OF QUALITY . .	122
III.	**Uttar Pradesh Prevention of Food Adulteration Rules, 1976 . . . .**	**235-241**
IV.	**Notifications of Central Government . . . . .**	**242-243**
V.	**Commodity Index . . . .**	**245-252**

The Prevention of Food Adulteration Act, 1954

[Act No. 37 of 1954]

[*29th September, 1954*]

An Act to make provision for the prevention of adulteration of food

Be it enacted by Parliament in the Fifth Year of the Republic of India as follows :—

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Prevention of Food Adulteration Act, 1954.

(2) It extends to the whole of India [1][* * *].

(3) It shall come into force on such date[2] as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act unless the context otherwise requires,—

[3][(*i*) "adulterant" means any material which is or could be employed for the purposes of adulteration;]

[4][(***i-a***)] "adulterated"—an article of food shall be deemed to be adulterated—

(*a*) if the article sold by a vendor is not of the nature, substance or quality demanded by the purchaser and is to his prejudice, or is not of the nature, substance or quality which it purports or is represented to be ;

(*b*) if the article contains any other substance which affects, or if the article is so processed as to affect, injuriously the nature, substance or quality thereof ;

(*c*) if any inferior or cheaper substance has been substituted wholly or in part for the article so as to affect injuriously the nature, substance or quality thereof ;

(*d*) if any constituent of the article has been wholly or in part abstracted so as to affect injuriously the nature, substance or quality thereof ;

---

1. The words "except the State of Jammu and Kashmir" *omitted* by Prevention of Food Adulteration (Amendment) Act (41 of 1971), S. 2 (w.e.f. 26-1-1972).

2. 1st June, 1955 : *see* S.R.O. 1085, dt. 9th May, 1955, Gaz. of India, Pt. II, S. 3, p. 874.
The Act has been extended to Dadra and Nagar Haveli by Reg. 6 of 1963, S. 2 and Sch. I, to Pondicherry by Reg. 7 of 1963, S. 3 and Sch. I and to Goa, Daman and Diu by Reg. 11 of 1963, S. 3 and Sch. It has also been extended to Kohima and Mokokchung districts by Act 24 of 1972, S. 2 (w.e.f. 1-4-1973).

3. *Ins.* by Prevention of Food Adulteration (Amendment) Act, 1976 (34 of 1976), S. 2 (w.e.f. 1-4-1976).

4. *Renumbered* by Act 34 of 1976, S. 2 (w.e.f. 1-4-1976).

(*e*) if the article had been prepared, packed or kept under insanitary conditions whereby it has become contaminated or injurious to health ;

(*f*) if the article consists wholly or in part of any filthy, putrid, [5][* * *] rotten, decomposed or diseased animal or vegetable substance or is insect-infested or is otherwise unfit for human consumption ;

NOTES

The phrase "or otherwise unfit for human consumption" should be read conjunctively and not disjunctively, that is, in association with what precedes it. This sub-clause would read like this :

If the article is unfit for human consumption on account of—

(*a*) its consisting, wholly or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance or being insect-infested,

(*b*) or on account of any other cause.

In this view of the sub-clause, proof of the unfitness of the article for human consumption is a must for bringing the case within its purview. *Municipal Corporation, Delhi* v. *Kacheroo Mal*, (1976) 1 SCC 412 : 1976 SCC (Cri) 30. The correctness of this two-Judge Bench decision was doubted in *Tek Chand Bhatia* case which is also a two-Judge Bench decision. However, their Lordships did not consider it necessary to refer the case to a larger Bench. This question was left open in *M.C.D.* v. *Manmohan Lal*, (1984) 1 SCC 670 : 1984 SCC (Cri) 160. See also *State* v. *Puran Mal*, (1985) 2 SCC 589 : 1985 SCC (Cri) 289.

Expression 'or is otherwise unfit for human consumption' is a disjunctive and residuary clause—So if an article of food is proved to be 'filthy, putrid, rotten, decomposed—or—insect-infested'. It can be held to be 'adulterated' without further establishing it to be 'unfit for human consumption'. *Municipal Corpn.* v. *Tek Chand Bhatia*, (1980) 1 SCC 158 : 1980 SCC (Cri) 87.

'Insect-infested'—Meaning—Worms are different from insects (obiter : Per Varadarajan, J.). *State* (*Delhi Admn.*) v. *Puran Mal*, (1985) 2 SCC 589, 591 : 1985 SCC (Cri) 289.

For determining whether article of food is insect-infested or contains insect-damaged matter in excess of prescribed limits, time lag between date of taking of sample and date of analysis by itself is of no consequence. *Mathukutty* v. *State of Kerala*, AIR 1988 Ker 60 : 1988 Cri LJ 898 (FB), overruling *Food Inspector* v. *Prabhakaran*, 1982 Ker LT 809 : 1983 Cri LJ 81.

Nine living meal worms found in lal mirchi powder sample—No opinion expressed by Public Analyst whether the sample was either worm or insect-infested or unfit for human consumption—Held, requirements of clause (*f*) not established—No interference of Supreme Court with High Court's dismissal in limine of revision filed against Magistrate's order of acquittal called for. *State* (*Delhi Admn.*) v. *Puran Mal*, (1982) 2 SCC 589, 596, 597 : 1985 SCC (Cri) 289.

Sample of suji containing eight living meal worms and one living weevil. Public Analyst not opining that the sample was either 'insect-infested' or that it was unfit for human consumption on account of presence of meal worms or that it was otherwise unfit for human consumption. Held, requirement of S. 2(*i-a*)(*f*) was not satisfied, hence, order of acquittal passed by the trial court was upheld. *Delhi Admn.* v. *Sat Sarup Sharma*, 1994 Supp (3) SCC 324 : 1994 SCC (Cri) 1720.

Insect-infested article of food—When adulterated—Test—Held, presence of stray insects not sufficient to make the sample insect-infested. *Mathukutty* v. *State of Kerala*, AIR 1988 Ker 60 : 1988 Cri LJ 898 (FB).

Various sub-clauses under clause (*f*) should be read disjunctively. *Mathukutty* v. *State of Kerala*, AIR 1988 Ker 60 : 1988 Cri LJ 898 (FB).

(*g*) if the article is obtained from a diseased animal ;

(*h*) if the article contains any poisonous or other ingredient which renders it injurious to health ;

(*i*) if the container of the article is composed, whether wholly or in part, of any poisonous or deleterious substance which renders its contents injurious to health ;

[6][(*j*) if any colouring matter other than that prescribed in respect thereof is present in the article, or if the amounts of the

5. *Omitted* by Act 34 of 1976, S. 2 (w.e.f. 1-4-1976).

6. *Subs.* by Act 34 of 1976, S. 2 (w.e.f. 1-4-1976).

prescribed colouring matter which is present in the article are not within the prescribed limits of variability ;]

(*k*) if the article contains any prohibited preservative or permitted preservative in excess of the prescribed limits ;

[7][(*l*) if the quality or purity of the article falls below the prescribed standard or its constituents are present in quantities not within the prescribed limits of variability, which renders it injurious to health ;

(*m*) if the quality or purity of the article falls below the prescribed standard or its constituents are present in quantities not within the prescribed limits of variability but which does not render it injurious to health :

Provided that, where the quality or purity of the article, being primary food, has fallen below the prescribed standards or its constituents are present in quantities not within the prescribed limits of variability, in either case, solely due to natural causes and beyond the control of human agency, then, such article shall not be deemed to be adulterated within the meaning of this sub-clause.

Explanation.—Where two or more articles of primary food are mixed together and the resultant article of food—

(*a*) is stored, sold or distributed under a name which denotes the ingredients thereof ; and

(*b*) is not injurious to health,

then, such resultant article shall not be deemed to be adulterated within the meaning of this clause ;]

NOTES

The different clauses of Section 2(*i*) [(*i-a*) after amendment by Act 34 of 1976] are not mutually exclusive. They overlap one another and an article of food may be found adulterated under two or more clauses. *Prem Ballabh* v. *State*, (1977) 1 SCC 173 : 1977 SCC (Cri) 78 ; *Mathukutty* v. *State*, AIR 1988 Ker 60 : 1988 Cri LJ 898 (FB).

Sub-clauses (*l*) and (*m*) on one hand and sub-clause (*f*) on the other are complementary to each other and there is no question of either of them excluding the other. *Raghunath Dass* v. *State of H.P.*, 1987 Cri LJ 671 (HP).

Addition of colouring matter to chillies powder per se would make the article adulterated within the meaning of Section 2(*i-a*)(*j*) of the Act. *Badri Prasad* v. *State of M.P.*, 1995 Supp (4) SCC 682 : 1996 SCC (Cri) 79.

The words as envisaged in S. 2(*i*)(*m*), "beyond the control of human agency" do not refer to possible preharvesting preventive measures only. *Prakash Chand Jain* v. *State of West Bengal*, 1991 Cri LJ 2912 (Cal)(DB).

Addition of water to milk amounts to adulteration within the meaning of Section 2(*i*) [(*i-a*) after amendment by Act 34 of 1976] (*b*), (*c*) or (*d*). *Kisan Trimbak Kothula* v. *State of Maharashtra*, (1977) 1 SCC 300 : 1977 SCC (Cri) 97.

Section 2(*i*) [(*ia*) after amendment by Act 34 of 1976] also takes in a case where no colouring matter is permitted to be used in respect of an article of food. *Prem Ballabh* v. *State*, (1977) 1 SCC 173 : 1977 SCC (Cri) 78.

(*ii*) "Central Food Laboratory" means any laboratory or institute established or specified under Section 4 ;

7. *Subs.* by Act 34 of 1976, S. 2 (w.e.f. 1-4-1976).

(*iii*) "Committee" means the Central Committee for Food Standards constituted under Section 3 ;

(*iv*) "Director of the Central Food Laboratory" means the person appointed by the Central Government by notification in the Official Gazette as the Director of the Central Food Laboratory and includes any person appointed by the Central Government in like manner to perform all or any of the functions of the Director under this Act :

[8][Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a Director under this clause ;]

[9][(*v*) "food" means any article used as food or drink for human consumption other than drugs and water and includes—

(*a*) any article which ordinarily enters into, or is used in the composition or preparation of, human food,

(*b*) any flavouring matter or condiments, and

(*c*) any other article which the Central Government may, having regard to its use, nature, substance or quality, declare, by notification in the Official Gazette, as food for the purposes of this Act ;]

NOTES

An article which is food does not lose its character as food by the fact that it is also used or sold for other purposes. *State of Kerala* v. *Rayappan Nair*, 1978 Cri LJ 528 (Ker).

Ice candy is food. *Food Inspector* v. *P. Subramonian*, 1987 Cri LJ 883 (Ker) : (1986) 2 FAC 365.

Supari is food within the meaning of Section 2(*v*). *P.K. Tejani* v. *M.R. Dange*, (1974) 3 SCC 598 : 1974 SCC (Cri) 87.

[10][(*vi*) "Food (Health) Authority" means the Director of Medical and Health Services or the Chief Officer in charge of Health administration in a State, by whatever designation he is known, and includes any officer empowered by the Central Government or the State Government, by notification in the Official Gazette, to exercise the powers and perform the duties of the Food (Health) Authority under this Act with respect to such local area as may be specified in the notification ;]

STATE AMENDMENTS

MAHARASHTRA

In Section 2 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) in its application to the State of Maharashtra, to clause (*vi*) the following proviso shall be *added*, namely :

"Provided that, the Commissioner of Food and Drugs Administration, Maharashtra State, appointed as such by the State Government shall, on the commencement of the Prevention of Food Adulteration (Maharashtra Amendment) Act, 1969 (Mah. Act XIII of 1970) be the Food (Health) Authority in the State of Maharashtra." **Maharashtra Act No. 13 of 1970, S. 2 (w.e.f. 7-4-1970).**

(*vii*) "local area" means any area, whether urban or rural, declared by [11][the Central Government or the State Government] by notifica-

8. *Ins.* by Act 34 of 1976, S. 2 (w.e.f. 1-4-1976).
9. *Subs.* by Act 34 of 1976, S. 2 (w.e.f. 1-4-1976).
10. *Subs.* by Act 34 of 1976, S. 2 (w.e.f. 1-4-1976).
11. *Subs.* by Prevention of Food Adulteration (Amendment) Act, 1964 (49 of 1964), S. 2 (w.e.f. 1-3-1965).

tion in the Official Gazette, to be a local area for the purposes of this Act ;

(*viii*) "local authority" means in the case of—

(1) a local area which is—

(*a*) a municipality, the municipal board or municipal corporation ;

(*b*) a cantonment, the cantonment authority ;

(*c*) a notified area, the notified area committee ;

(2) any other local area, such authority as may be prescribed by [11][the Central Government or the State Government] under this Act ;

STATE AMENDMENTS

MAHARASHTRA

In Section 2 of the Prevention of Food Adulteration Act, 1954, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act") in clause (*viii*), to sub-clause (2), the following proviso shall be added, namely :

"Provided that 'local authority', in the case of 'local area in the State of Maharashtra means such authority or officer of the State Government as the State Government may, by notification in the Official Gazette, appoint for the local area specified in the notification." *Vide* Maharashtra Act 50 of 1975.

[12][(*viii-a*) "Local (Health) Authority", in relation to a local area, means the officer appointed by the Central Government or the State Government, by notification in the Official Gazette, to be in charge of Health administration in such area with such designation as may be specified therein ;

(*viii-b*) "manufacture" includes any process incidental or ancillary to the manufacture of an article of food ;]

(*ix*) "misbranded"—an article of food shall be deemed to be misbranded—

(*a*) if it is an imitation of, or is a substitute for, or resembles in a manner likely to deceive, another article of food under the name of which it is sold, and is not plainly and conspicuously labelled so as to indicate its true character ;

(*b*) if it is falsely stated to be the product of any place or country ;

(*c*) if it is sold by a name which belongs to another article of food ;

NOTES

Selling of buffalo's milk as cow's is misbranding under Section 2(*ix*)(*c*). *Kisan Trimbak Kothula v. State of Maharashtra*, (1977) 1 SCC 300 : 1977 SCC (Cri) 97.

(*d*) if it is so coloured, flavoured or coated, powdered or polished that the fact that the article is damaged is concealed or if the article is made to appear better or of greater value than it really is ;

(*e*) if false claims are made for it upon the label or otherwise ;

(*f*) if, when sold in packages which have been sealed or prepared by or at the instance of the manufacturer or producer and which bear his name and address, the contents of each package are not

12. *Ins.* by Act 34 of 1976, S. 2 (w.e.f. 1-4-1976).

conspicuously and correctly stated on the outside thereof within the limits of variability prescribed under this Act ;

(*g*) if the package containing it, or the label on the package bears any statement, design or device regarding the ingredients or the substances contained therein, which is false or misleading in any material particular ; or if the package is otherwise deceptive with respect to its contents ;

(*h*) if the package containing it or the label on the package bears the name of a fictitious individual or company as the manufacturer or producer of the article ;

(*i*) if it purports to be, or is represented as being, for special dietary uses, unless its label bears such information as may be prescribed concerning its vitamin, mineral, or other dietary properties in order sufficiently to inform its purchaser as to its value for such uses ;

(*j*) if it contains any artificial flavouring, artificial colouring or chemical preservative, without a declaratory label stating that fact, or in contravention of the requirements of this Act or rules made thereunder ;

(*k*) if it is not labelled in accordance with the requirements of this Act or rules made thereunder ;

NOTES

Section 2(*ix*)(*e*) does not require any criminal intent or knowledge. *K. Raghavan* v. *State of Kerala*, (1988) 15 Reports 121 (Ker).

(***x***) "package" means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper or other thing in which an article of food is placed or packed ;

(***xi***) "premises" include any shop, stall, or place where any article of food is sold or manufactured or stored for sale ;

(***xii***) "prescribed" means prescribed by rules made under this Act ;

[13][(***xii-a***) "primary food" means any article of food, being a produce of agriculture or horticulture in its natural form ;]

(***xiii***) "sale" with its grammatical variations and cognate expressions, means the sale of any article of food, whether for cash or on credit or by way of exchange and whether by wholesale or retail, for human consumption or use, or for analysis, and includes an agreement for sale, an offer for sale, the exposing for sale or having in possession for sale of any such article, and includes also an attempt to sell any such article ;

NOTES

An article, even if not intended for human consumption, if generally or commonly used for human consumption or in preparation of human food, held, would be 'food' within Section 2(*v*)—An unqualified sale of such food for analysis is 'sale' within Section 2(*xiii*) even if it is not offered for sale for human consumption—Sale of gingelly oil mixed with groundnut oil as such for analysis, held, would be an offence punishable under Section 16(1)(*a*) read with Section 7(*i*) even if the oil is sold for external use only. *State of T.N.* v. *R. Krishnamurthi*, (1980) 1 SCC 167 : 1980 SCC (Cri) 200.

13. *Ins.* by Act 34 of 1976, S. 2 (w.e.f. 1-4-1976).

In the instant case, a new firm was yet to start actual business, and furniture making was in progress when Inspector insisted on purchasing edible oil sample. No other regular business was being done by then even though licence to do business was issued a day before. Except for the half-used tin of oil no other stock-in-trade found. Held, on facts, it cannot be said that the accused had commenced business and was selling adulterated oil, hence, acquittal by the trial court is restored. *Ahmed Dadabhai Advani* v. *State of Maharashtra*, 1991 Supp (2) SCC 652.

(*xiv*) "sample" means a sample of any article of food taken under the provisions of this Act or of any rules made thereunder ;

(*xv*) the words "unwholesome" and "noxious" when used in relation to an article of food mean respectively that the article is harmful to health or repugnant to human use.

[14][**2-A. Rule of construction.**—Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.]

CENTRAL COMMITTEE FOR FOOD STANDARDS AND CENTRAL FOOD LABORATORY

3. The Central Committee for Food Standards.—(1) The Central Government shall, as soon as may be after the commencement of this Act, constitute a Committee called the Central Committee for Food Standards to advise the Central Government and the State Governments on matters arising out of the administration of this Act and to carry out the other functions assigned to it under this Act.

(2) The Committee shall consist of the following members, namely :—

(*a*) the Director-General, Health Services, *ex officio*, who shall be the Chairman ;

[15][(*b*) the Director of the Central Food Laboratory or, in a case where more than one Central Food Laboratory is established, the Directors of such Laboratories, *ex officio* ;]

(*c*) two experts nominated by the Central Government ;

[16][(*d*) one representative each of the Departments of Food and Agriculture in the Central Ministry of Food and Agriculture and one representative each of the Central Ministries of Commerce, Defence, Industry and Supply and Railways, nominated by the Central Government ;]

(*e*) one representative each nominated by the Government of each [17][* * *] State ;

(*f*) two representatives nominated by the Central Government to represent the [18][Union territories];

[19][(*g*) one representative each, nominated by the Central Government, to represent the agricultural, commercial and industrial interests ;

14. *Ins.* by Prevention of Food Adulteration (Amendment) Act, 1971 (41 of 1971), S. 3 (w.e.f. 26-1-1972).
15. *Subs.* by Act 34 of 1976, S. 3 (w.e.f. 1-4-1976).
16. *Subs.* by Act 49 of 1964, S. 3 (w.e.f. 1-3-1965).
17. The words and letters "Part A State and Part B" *omitted* by the A.O. 1956.
18. *Subs.* by the A.O. 1956, for "Part C States".
19. *Subs.* by Act 34 of 1976, S. 3 (w.e.f. 1-4-1976).

(*gg*) five representatives nominated by the Central Government to represent the consumers' interests, one of whom shall be from the hotel industry ;]

(*h*) one representative of the medical profession nominated by the Indian Council of Medical Research ;

[20][(*i*) one representative nominated by the Indian Standards Institution referred to in clause (*e*) of Section 2 of the Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952).]

(3) The members of the Committee referred to in clauses (*c*), (*d*), (*e*), (*f*), [21][[22][(*g*), (*gg*)], (*h*) and (*i*)] of sub-section (2) shall, unless their seats become vacant earlier by resignation, death or otherwise, be entitled to hold office for three years and shall be eligible for renomination.

(4) The functions of the Committee may be exercised notwithstanding any vacancy therein.

(5) The Committee may appoint such and so many sub-committees as it deems fit and may appoint to them persons who are not members of the Committee to exercise such powers and perform such duties as may, subject to such conditions, if any, as the Committee may impose, be delegated to them by the Committee.

(6) The Committee may, subject to the previous approval of the Central Government, make bye-laws for the purpose of regulating its own procedure and the transaction of its business.

[23][**3-A. Appointment of Secretary and other staff.**—(1) The Central Government shall appoint a Secretary to the Committee who shall, under the control and direction of the Committee, exercise such powers and perform such duties as may be prescribed or as may be delegated to him by the Committee.

(2) The Central Government shall provide the Committee with such clerical and other staff as that Government considers necessary.]

4. Central Food Laboratory.—[24][(1) The Central Government shall, by notification in the Official Gazette, establish one or more Central Food Laboratory or Laboratories to carry out the functions entrusted to the Central Food Laboratory by this Act or any rules made under this Act :

Provided that the Central Government may, by notification in the Official Gazette, also specify any laboratory or institute as a Central Food Laboratory for the purposes of this Act.]

STATE AMENDMENTS

UTTAR PRADESH

The proviso added to Section 4 by the U.P. Act 47 of 1975, Section 6, has been *omitted* by U.P. Act 43 of 1976, Section 2 with effect from April 1, 1976. This was done because the amendment is now covered by the amendments made by Central Act 34 of 1976.

WEST BENGAL

In the Prevention of Food Adulteration Act, 1954,—

(*i*) to sub-section (1) of Section 4, the following proviso shall be *added*, namely :

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20. *Ins.* by Act 49 of 1964, S. 3 (w.e.f. 1-3-1965).
21. *Subs.* by Act 49 of 1964, S. 3 (w.e.f. 1-3-1965).
22. *Subs.* by Act 34 of 1976, S. 3 (w.e.f. 1-4-1976).
23. *Ins.* by Act 34 of 1976, S. 4 (w.e.f. 1-4-1976).
24. *Subs.* by Act 34 of 1976, S. 5 (w.e.f. 1-4-1976).

"Provided that the State Government may with the prior approval of the Central Government, direct, that the functions of the Central Food Laboratory and the Director may be carried out in West Bengal by such Authority and such officer respectively, as may be specified by the State Government by notification in the Official Gazette and any reference in this Act to the Central Food Laboratory or the Director shall then be cons- trued to mean such Authority or officer as the case may be." *Vide* W.B. Act 42 of 1973.

(2) The Central Government may, after consultation with the Committee, make rules prescribing—

[25][(*a*) the functions of a Central Food Laboratory and the local area or areas within which such functions may be carried out ;]

(*b*) the procedure for submission to the said Laboratory of samples of articles of food for analysis or tests, the forms of the Laboratory's reports thereon and the fees payable in respect of such reports ;

(*c*) such other matters as may be necessary or expedient to enable the said Laboratory to carry out its functions.

GENERAL PROVISIONS AS TO FOOD

5. Prohibition of import of certain articles of food.—No person shall import into India—

(*i*) any adulterated food ;

(*ii*) any misbranded food ;

(*iii*) any article of food for the import of which a licence is prescribed, except in accordance with the conditions of the licence ; and

(*iv*) any article of food in contravention of any other provision of this Act or of any rule made thereunder.

6. Application of law relating to sea customs and powers of Customs Officers.—(1) The law for the time being in force relating to sea customs and to goods, the import of which is prohibited by Section 18 of the Sea Customs Act, 1878 (8 of 1878) shall, subject to the provisions of Section 16 of this Act, apply in respect of articles of food, the import of which is prohibited under Section 5 of this Act, and officers of Customs and officers empowered under that Act to perform the duties imposed thereby on a [26][Commissioner of Customs] and other officers of Customs shall have the same powers in respect of such articles of food as they have for the time being in respect of such goods as aforesaid.

(2) Without prejudice to the provisions of sub-section (1) the [26][Commissioner of Customs], or any officer of the Government authorised by the Central Government in this behalf, may detain any imported package which he suspects to contain any article of food the import of which is prohibited under Section 5 of this Act and shall forthwith report such detention to the Director of the Central Food Laboratory and, if required by him, forward the package or send samples of any suspected article of food found therein to the said Laboratory.

25. *Subs.* by Act 34 of 1976, S. 5 (w.e.f. 1-4-1976).

26. *Subs.* for "Customs Collector" by Act 22 of 1995, S. 87.

7. Prohibition of manufacture, sale, etc. of certain articles of food.—No person shall himself or by any person on his behalf manufacture for sale, or store, sell or distribute—

(*i*) any adulterated food ;

(*ii*) any misbranded food ;

(*iii*) any article of food for the sale of which a licence is prescribed, except in accordance with the conditions of the licence ;

(*iv*) any article of food the sale of which is for the time being prohibited by the Food (Health) Authority [27][in the interest of public health] ; [28][* * *]

(*v*) any article of food in contravention of any other provision of this Act or of any rule made thereunder ; [29][or]

[30][(*vi*) any adulterant.]

[31][*Explanation.*—For the purposes of this section, a person shall be deemed to store any adulterated food or misbranded food or any article of food referred to in clause (*iii*) or clause (*iv*) or clause (*v*) if he stores such food for the manufacture therefrom of any article of food for sale.]

NOTES

The act of storing an adulterated article of food would be an offence only if storing is for sale. When out of adulterated article of food stored for sale, a quantity is sold, the sale constitutes an offence distinct and independent from the offence of storing for sale. *Om Prakash* v. *Delhi Administration*, (1976) 1 SCC 637 : 1976 SCC (Cri) 128, *followed in* 1978 Cri LJ 1827.

The person from whom the article of food is purchased need not be dealer as such in that article. *Food Inspector* v. *Charukattil Gopalan*, (1971) 2 SCC 322 : 1971 SCC (Cri) 522.

The article of food which is purchased by the Food Inspector need not be taken out from a larger quantity intended for sale. *Food Inspector* v. *Charukattil Gopalan*, (1971) 2 SCC 322 : 1971 SCC (Cri) 522.

If the business is owned by a firm or an association of individuals and the accused is a partner of that firm or member of that association of individuals, he would be liable under Section 7(1) of the Act for the sale which is made by any other partner of that firm or member of the association only if it is shown that he was in charge of and was, responsible for the conduct of the business which was carried on at the shop. Simply because he is a licensee of the shop would not warrant his conviction. *Manibai* v. *State of Maharashtra*, (1975) 3 SCC 760 : 1974 SCC (Cri) 236.

Before the manufacturer, the distributor and the vendor can be tried jointly, it must be alleged that the manufactured food was adulterated when the manufacturer passed it on to the distributor and it was also adulterated when the distributor passed it on to the vendor and that it was adulterated when the vendor sold it to consumer. *Bhagwandas Jagdish Chander* v. *Delhi Administration*, (1975) 1 SCC 866 : 1975 SCC (Cri) 410.

Delay—The Orissa High Court, relying on the observation of the Supreme Court in *Nebh Raj*, (1980) 2 FAC 191 (SC), quashed the criminal proceeding on account of unexplained delay of 2 years and 8 months in launching prosecution after the report of the Public Analyst. *Narain Extractions (P) Ltd.* v. *P.C. Mishra*, 1996 Cri LJ 736. See also (1990) 1 FAC 156 : (1990) 1 FAC 150 : (1990) 1 FAC 147 (P&H).

ANALYSIS OF FOOD

[32][**8. Public analysts.**—The Central Government or the State Government may, by notification in the Official Gazette, appoint such persons as it

27. *Subs.* by Act 49 of 1964, S. 4 (w.e.f. 1-3-1965).
28. *Omitted* by Act 34 of 1976, S. 6 (w.e.f. 1-4-1976).
29. *Ins.* by Act 34 of 1976, S. 6 (w.e.f. 1-4-1976).
30. *Ins.* by Act 34 of 1976, S. 6 (w.e.f. 1-4-1976).
31. *Ins.* by Act 34 of 1976, S. 6 (w.e.f. 1-4-1976).
32. *Subs.* by Act 49 of 1964, S. 5 (w.e.f. 1-3-1965).

thinks fit, having the prescribed qualifications to be public analysts for such local areas as may be assigned to them by the Central Government or the State Government, as the case may be :

Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a public analyst under this section :

[33][Provided further that different public analysts may be appointed for different articles of food.]

NOTES

Where a person was appointed as Public Analyst for the entire State by a notification which was issued in supersession of earlier notifications and another person was appointed as Public Analyst for local area comprising certain districts of the State, the person who was appointed Analyst for the whole State would not cease to have jurisdiction over the local area for which another man was appointed. The later notification not being in supersession of earlier notifications would be in addition to the earlier one and both officers would have jurisdiction in respect of the local area. Moreover, on principle also, the result would not be that the earlier appointee would lose jurisdiction over the local area for which appointment was made subsequently for the reason that Section 8 postulates appointment of more than one Public Analyst for such area as may be assigned to them by the Central or State Government as the case may be. Thereby it is open to the State Government to appoint more than one Public Analyst to any local area or areas and both would co-exist to have power and jurisdiction to analyse an article or articles of food covered under the Act to find whether the same is adulterated. *State of U.P.* v. *Hanif*, (1992) 3 SCC 100.

9. Food Inspectors.—(1) The Central Government or the State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications to be food inspectors for such local areas as may be assigned to them by the Central Government or the State Government, as the case may be :

Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a food inspector under this section.

(2) Every food inspector shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code (45 of 1860) and shall be officially subordinate to such authority as the Government appointing him, may specify in this behalf.]

NOTES

A notification under S. 9 relating to appointment of Food Inspector cannot operate as substitute for requisite consent under S. 20. *State of Punjab* v. *Kewal Krishan*, 1992 Cri LJ 742 (P&H) (DB).

10. Powers of food inspectors.—(1) A food inspector shall have power—

(*a*) to take samples of any article of food from—

(*i*) any person selling such article ;

(*ii*) any person who is in the course of conveying, delivering or preparing to deliver such article to a purchaser or consignee ;

(*iii*) a consignee after delivery of any such article to him ; and

(*b*) to send such sample for analysis to the public analyst for the local area within which such sample has been taken ;

33. *Ins.* by Act 34 of 1976, S. 7 (w.e.f. 1-4-1976).

[34][(*c*) with the previous approval of the Local (Health) Authority having jurisdiction in the local area concerned, or with the previous approval of the Food (Health) Authority, to prohibit the sale of any article of food in the interest of public health.]

[35][*Explanation.*—For the purposes of sub-clause (*iii*) of clause (*a*), "consignee" does not include a person who purchases or receives any article of food for his own consumption.]

[36][(2) Any food inspector may enter and inspect any place where any article of food is manufactured, or stored for sale, or stored for the manufacture of any other article of food for sale, or exposed or exhibited for sale or where any adulterant is manufactured or kept, and take samples of such article of food or adulterant for analysis :

Provided that no sample of any article of food, being primary food, shall be taken under this sub-section if it is not intended for sale as such food.]

(3) Where any sample is taken under clause (*a*) of sub-section (1) or sub-section (2), its cost calculated at the rate at which the article is usually sold to the public shall be paid to the person from whom it is taken.

(4) If any article intended for food appears to any food inspector to be adulterated or misbranded, he may seize and carry away or keep in the safe custody of the vendor such article in order that it may be dealt with as hereinafter provided [37][and he shall, in either case, take a sample of such article and submit the same for analysis to a public analyst] :

[38][Provided that where the food inspector keeps such article in the safe custody of the vendor he may require the vendor to execute a bond for a sum of money equal to the value of such article with one or more sureties as the food inspector deems fit and the vendor shall execute the bond accordingly.]

[39][(4-A) Where any article of food seized under sub-section (4) is of a perishable nature and the Local (Health) Authority is satisfied that such article of food is so deteriorated that it is unfit for human consumption, the said Authority may, after giving notice in writing to the vendor, cause the same to be destroyed.]

(5) The power conferred by this section includes power to break open any package in which any article of food may be contained or to break open the door of any premises where any article of food may be kept for sale :

[40][Provided that the power to break open the package or door shall be exercised only after the owner or any other person in charge of the package or, as the case may be, in occupation of the premises, if he is present therein, refuses to open the package or door on being called upon to do so, and in either case after recording the reasons for doing so :]

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34. *Subs.* by Act 34 of 1976, S. 8 (w.e.f. 1-4-1976).
35. *Ins.* by Act 34 of 1976, S. 8 (w.e.f. 1-4-1976).
36. *Subs.* by Act 34 of 1976, S. 8 (w.e.f. 1-4-1976).
37. *Ins.* by Act 34 of 1976, S. 8 (w.e.f. 1-4-1976).
38. *Ins.* by Act 49 of 1964, S. 6 (w.e.f. 1-3-1965).
39. *Ins.* by Act 34 of 1976, S. 8 (w.e.f. 1-4-1976).
40. *Subs.* by Act 34 of 1976, S. 8 (w.e.f. 1-4-1976).

Provided further that the food inspector shall, in exercising the powers of entry upon, and inspection of any place under this section, follow, as far as may be, the provisions of the [41][Code of Criminal Procedure, 1973 (2 of 1974)], relating to the search or inspection of a place by a police officer executing a search warrant issued under that Code.

(6) [42][Any adulterant found in the possession of a manufacturer or distributor of, or dealer in, any article of food or in any of the premises occupied by him as such] and for the possession of which he is unable to account to the satisfaction of the food inspector, [43][and any books of account or other documents found in his possession or control and which would be useful for, or relevant to, any investigation or proceeding under this Act, may be seized by the food inspector] and [44][a sample of such adulterant] submitted for analysis to a public analyst :

[45][Provided that no such books of account or other documents shall be seized by the food inspector except with the previous approval of the authority to which he is officially subordinate.]

(7) Where the food inspector takes any action under clause (*a*) of sub-section (1), sub-section (2), sub-section (4), or sub-section (6), he shall, [46][call one or more persons to be present at the time when such action is taken and take his or their signatures].

NOTES

While taking action under any of the provisions mentioned in sub-section (7) of Section 10 the Inspector must "call" one or more independent persons to be present at the time when such action is taken. However regardless of all circumstances, the non-presence of one or more independent persons at the relevant time would not vitiate the trial or conviction. The obligation which Section 10(7) casts on the Food Inspector is to "call" one or more persons to be present when he takes action. When the Food Inspector does call the neighbouring shopkeepers to witness the taking of the sample but none is willing to co-operate he cannot compel their presence. In such circumstances the prosecution is relieved of its obligation to cite independent witnesses. It is easy enough to understand that shopkeepers may feel bound by fraternal ties but no court can countenance a conspiracy to keep out independent witnesses in a bid to defeat the working of laws. *Ram Labhaya* v. *Municipal Corpn. Delhi*, (1974) 4 SCC 491 : 1974 SCC (Cri) 527 ; *Bhagirathi Das* v. *State of Orissa*, 1988 Cri LJ 260 ; *Bijoy Kumar* v. *State of Orissa*, (1986) 62 Cut LT 480 ; *Kedar* v. *State*, (1986) 62 Cut LT 480.

Section 10(7) makes it necessary that Food Inspector should call independent witnesses at the time of taking sample. Examination of such witnesses in court is not necessary. *Sabir Khan* v. *State of U.P.*, 1988 Cri LJ 1245 (All).

The words "one or more persons" in Section 10(7) mean one or more independent persons. *Ram Labhaya* v. *Municipal Corpn., Delhi*, (1974) 4 SCC 491 : 1974 SCC (Cri) 527.

Food Inspector is not an accomplice nor is he similar to an attesting witness to a will. The evidence of the Food Inspector, if believed, can be relied on for proving that the sample was taken as required by law. *Babulal Hargovindas* v. *State of Gujarat*, (1971) 1 SCC 767 : 1971 SCC (Cri) 337.

Food Inspector cannot ordinarily be treated as an interested witness and his testimony can be acted upon even without any corroboration. *State of U.P.* v. *Hanif*, (1992) 3 SCC 100.

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41. *Subs.* by Act 34 of 1976, S. 8 (w.e.f. 1-4-1976).
42. *Subs.* by Act 34 of 1976, S. 8 (w.e.f. 1-4-1976).
43. *Subs.* by Act 34 of 1976, S. 8 (w.e.f. 1-4-1976).
44. *Subs.* by Act 34 of 1976, S. 8 (w.e.f. 1-4-1976).
45. *Ins.* by Act 34 of 1976, S. 8 (w.e.f. 1-4-1976).
46. *Subs.* by Act 49 of 1964, S. 6 (w.e.f. 1-3-1965).

[47][(7-A) Where any books of account or other documents are seized under sub-section (6), the food inspector shall, within a period not exceeding thirty days from the date of seizure, return the same to the person from whom they were seized after copies thereof or extracts therefrom as certified by that person in such manner as may be prescribed have been taken :

Provided that where such person refuses to so certify, and a prosecution has been instituted against him under this Act, such books of account or other documents shall be returned to him only after copies thereof or extracts therefrom as certified by the court have been taken.

(7-B) When any adulterant is seized under sub-section (6), the burden of proving that such adulterant is not meant for purposes of adulteration shall be on the person from whose possession such adulterant was seized.]

(8) Any food inspector may exercise the powers of a police officer [48][under Section 42 of the Code of Criminal Procedure, 1973 (2 of 1974)] for the purpose of ascertaining the true name and residence of the person from whom a sample is taken or an article of food is seized.

(9) Any food inspector exercising powers under this Act or under the rules made thereunder who—

(*a*) vexatiously and without any reasonable grounds of suspicion seizes any article of food [49][or adulterant] ; or

(*b*) commits any other act to the injury of any person without having reason to believe that such act is necessary for the execution of his duty ;

shall be guilty of an offence under this Act and shall be punishable for such offence [50][with fine which shall not be less than five hundred rupees but which may extend to one thousand rupees].

11. Procedure to be followed by food inspectors.—[51][(1) When a food inspector takes a sample of food for analysis, he shall—

(*a*) give notice in writing then and there of his intention to have it so analysed to the person from whom he has taken the sample and to the person, if any, whose name, address and other particulars have been disclosed under Section 14-A ;

(*b*) except in special cases provided by rules under this Act, divide the sample then and there into three parts and mark and seal or fasten up each part in such a manner as its nature permits and take the signature or thumb impression of the person from whom the sample has been taken in such place and in such manner as may be prescribed :

Provided that where such person refuses to sign or put his thumb impression the food inspector shall call upon one or more witnesses and take his or their signatures or thumb impressions, as

47. *Ins.* by Act 34 of 1976, S. 8 (w.e.f. 1-4-1976).
48. *Subs.* by Act 34 of 1976, S. 8 (w.e.f. 1-4-1976).
49. *Ins.* by Act 34 of 1976, S. 8 (w.e.f. 1-4-1976).
50. *Subs.* by Act 34 of 1976, S. 8 (w.e.f. 1-4-1976).
51. *Subs.* by Act 34 of 1976, S. 9 (w.e.f. 1-4-1976).

the case may be, in lieu of the signature or thumb impression of such person ;

(*c*) (*i*) send one of the parts for analysis to the public analyst under intimation to the Local (Health) Authority ; and

(*ii*) send the remaining two parts to the Local (Health) Authority for the purposes of sub-section (2) of this section and sub-sections (2-A) and (2-E) of Section 13.

(2) Where the part of the sample sent to the public analyst under sub-clause (*i*) of clause (*c*) of sub-section (1) is lost or damaged, the Local (Health) Authority shall, on a requisition made to it by the public analyst or the food inspector despatch one of the parts of the sample sent to it under sub-clause (*ii*) of the said clause (*c*) to the public analyst for analysis.]

(3) When a sample of any article of food [52][or adulterant] is taken under sub-section (1) or sub-section (2) of Section 10, [53][the food inspector shall, by the immediately succeeding working day, send a sample of the article of food or adulterant or both, as the case may be], in accordance with the rules prescribed for sampling to the public analyst for the local area concerned.

[54][(4) An article of food seized under sub-section (4) of Section 10, unless destroyed under sub-section (4-A) of that section, and any adulterant seized under sub-section (6) of that section shall be produced before a magistrate as soon as possible and in any case not later than seven days after the receipt of the report of the public analyst :]

[55][* * *]

Provided [56][* * *] that if an application is made to the magistrate in this behalf by the person from whom any article of food has been seized, the magistrate shall by order in writing direct the food inspector to produce such article before him within such time as may be specified in the order.

[57][(5) If it appears to the magistrate on taking such evidence as he may deem necessary—

(*a*) that the article of food produced before him under sub-section (4) is adulterated or misbranded, he may order it—

(*i*) to be forfeited to the Central Government, the State Government or the local authority, as the case may be ; or

(*ii*) to be destroyed at the cost of the owner or the person from whom it was seized so as to prevent its being used as human food ; or

(*iii*) to be so disposed of as to prevent its being again exposed for sale or used for food under its deceptive name ; or

(*iv*) to be returned to the owner, on his executing a bond with or without sureties, for being sold under its appropriate name or,

52. *Ins.* by Act 34 of 1976, S. 9 (w.e.f. 1-4-1976).
53. *Subs.* by Act 34 of 1976, S. 9 (w.e.f. 1-4-1976).
54. *Subs.* by Act 34 of 1976, S. 9 (w.e.f. 1-4-1976).
55. *Omitted* by Act 34 of 1976, S. 9 (w.e.f. 1-4-1976).
56. *Omitted* by Act 34 of 1976, S. 9 (w.e.f. 1-4-1976).
57. *Subs.* by Act 34 of 1976, S. 9 (w.e.f. 1-4-1976).

where the magistrate is satisfied that the article of food is capable of being made to conform to prescribed standards for human consumption after reprocessing, for being sold after reprocessing under the supervision of such officer as may be specified in the order ;

STATE AMENDMENTS

MAHARASHTRA

In Section 11 of the principal Act, in sub-section (5), in clause (*a*), for the words "local authority" the words "State Government" shall be *substituted. Vide* Maharashtra Act 50 of 1975.

(*b*) that the adulterant seized under sub-section (6) of Section 10 and produced before him is apparently of a kind which may be employed for purposes of adulteration and for the possession of which the manufacturer, distributor or dealer, as the case may be, is unable to account satisfactorily, he may order it to be forfeited to the Central Government, the State Government or the local authority as the case may be.]

(6) [58][If it appears to the magistrate that any such—

(*a*) article of food is not adulterated ; or

(*b*) adulterant which is purported to be an adulterant is not an adulterant,

the person from whose possession the article of food or adulterant was taken] shall be entitled to have it restored to him and it shall be in the discretion of the magistrate to award such person from such fund as the State Government may direct in this behalf, such compensation not exceeding the actual loss which he has sustained as the magistrate may think proper.

NOTES

Taking of sample—Churning of sample of milk or milk product (curd) by food inspector before dividing it into three parts—Use of instrument not essential—Churning by hand if adequate, sufficient and not improper—*Food Inspector* v. *Madanlal,* (1983) 1 SCC 135 : 1983 SCC (Cri) 131.

When a sample was purchased by a food inspector from the accused's shop and was sent for analysis to the public analyst without label of specification, the link cannot be established without such label of specifications between the commodity purchased and commodity analysed and the report of the public analyst which did not consider the label of specifications having failed to pinpoint the offender, acquittal of accused of the charges of adulteration and misbranding was proper. *State of H.P.* v. *Subhash Chand,* 1993 Cri LJ 3706.

12. Purchaser may have food analysed.—Nothing contained in this Act shall be held to prevent a purchaser of any article of food other than a food inspector [59][or a recognised consumer association, whether the purchaser is a member of that association or not,] from having such article analysed by the public analyst on payment of such fees as may be prescribed and from receiving from the public analyst a report of his analysis :

Provided that [60][such purchaser or recognised consumer association shall inform the vendor at the time of purchase of his or its intention] to have such article so analysed :

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58. *Subs.* by Act 34 of 1976, S. 9 (w.e.f. 1-4-1976).
59. *Ins.* by Act 70 of 1986, S. 2 (w.e.f. 1-5-1987).
60. *Subs.* by Act 70 of 1986, S. 2 (w.e.f. 1-5-1987).

Provided further that the provisions of sub-section (1), sub-section (2) and sub-section (3) of Section 11 shall, as far as may be, apply to a [61][purchaser of article of food or recognised consumer association who or which intends] to have such article so analysed, as they apply to a food inspector who takes a sample of food for analysis :

Provided also that if the report of the public analyst shows that the article of food is adulterated, the [62][purchaser or recognised consumer association shall be entitled to get refund of the fees paid by him or it] under this section.

[63][*Explanation.*—For the purposes of this section and Section 20, 'recognised consumer association' means a voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force.]

13. Report of public analyst.—[64][(1) The public analyst shall deliver, in such form as may be prescribed, a report to the Local (Health) Authority of the result of the analysis of any article of food submitted to him for analysis.

(2) On receipt of the report of the result of the analysis under sub-section (1) to the effect that the article of food is adulterated, the Local (Health) Authority shall, after the institution of prosecution against the person from whom the sample of the article of food was taken and the person, if any, whose name, address and other particulars have been disclosed under Section 14-A, forward, in such manner as may be prescribed, a copy of the report of the result of the analysis to such person or persons, as the case may be, informing such person or persons that if it is so desired, either or both of them may make an application to the court within a period of ten days from the date of receipt of the copy of the report to get the sample of the article of food kept by the Local (Health) Authority analysed by the Central Food Laboratory.

(2-A) When an application is made to the court under sub-section (2), the court shall require the Local (Health) Authority to forward the part or parts of the sample kept by the said Authority and upon such requisition being made, the said Authority shall forward the part or parts of the sample to the court within a period of five days from the date of receipt of such requisition.

(2-B) On receipt of the part or parts of the sample from the Local (Health) Authority under sub-section (2-A), the court shall first ascertain that the mark and seal or fastening as provided in clause (*b*) of sub-section (1) of Section 11 are intact and the signature or thumb impression, as the case may be, is not tampered with, and despatch the part or, as the case may be, one of the parts of the sample under its own seal to the Director of the Central Food Laboratory who shall thereupon send a certificate to the court in the prescribed form within one month from the date of receipt of the part of the sample specifying the result of the analysis.

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61. *Subs.* by Act 70 of 1986, S. 2 (w.e.f. 1-5-1987).
62. *Subs.* by Act 70 of 1986, S. 2 (w.e.f. 1-5-1987).
63. *Ins.* by Act 70 of 1986, S. 2 (w.e.f. 1-5-1987).
64. *Subs.* by Act 34 of 1976, S. 10 (w.e.f. 1-4-1976).

(2-C) Where two parts of the sample have been sent to the court and only one part of the sample has been sent by the court to the Director of the Central Food Laboratory under sub-section (2-B), the court shall, as soon as practicable, return the remaining part to Local (Health) Authority and that Authority shall destroy that part after the certificate from the Director of the Central Food Laboratory has been received by the court :

Provided that where the part of the sample sent by the court to the Director of the Central Food Laboratory is lost or damaged, the court shall require the Local (Health) Authority to forward the part of the sample, if any, retained by it to the court and on receipt thereof, the court shall proceed in the manner provided in sub-section (2-B).

(2-D) Until the receipt of the certificate of the result of the analysis from the Director of the Central Food Laboratory, the court shall not continue with the proceedings pending before it in relation to the prosecution.

(2-E) If, after considering the report, if any, of the food inspector or otherwise, the Local (Health) Authority is of the opinion that the report delivered by the public analyst under sub-section (1) is erroneous, the said Authority shall forward one of the parts of the sample kept by it to any other public analyst for analysis and if the report of the result of the analysis of that part of the sample by that other public analyst is to the effect that the article of food is adulterated, the provisions of sub-sections (2) to (2-D) shall, so far as may be, apply.]

(3) The certificate issued by the Director of the Central Food Laboratory [65][under sub-section (2-B)] shall supersede the report given by the public analyst under sub-section (1).

(4) Where a certificate obtained from the Director of the Central Food Laboratory [65][under sub-section (2-B)] is produced in any proceeding under this Act, or under Sections 272 to 276 of the Indian Penal Code (45 of 1860), it shall not be necessary in such proceeding to produce any part of the sample of food taken for analysis.

(5) Any document purporting to be a report signed by a public analyst, unless it has been superseded under sub-section (3), or any document purporting to be a certificate signed by the Director of the Central Food Laboratory, may be used as evidence of the facts stated therein in any proceeding under this Act or under Sections 272 to 276 of the Indian Penal Code (45 of 1860) :

[66][Provided that any document purporting to be a certificate signed by the Director of the Central Food Laboratory [not being a certificate with respect to the analysis of the part of the sample of any article of food referred to in the proviso to sub-section (1-A) of Section 16] shall be final and conclusive evidence of the facts stated therein.]

[67][*Explanation*.—In this section, and in clause (f) of sub-section (1) of Section 16, "Director of the Central Food Laboratory" shall include the

65. *Subs.* by Act 34 of 1976, S. 10 (w.e.f. 1-4-1976).
66. *Subs.* by Act 34 of 1976, S. 10 (w.e.f. 1-4-1976).
67. *Ins.* by Act 34 of 1976, S. 10 (w.e.f. 1-4-1976).

officer for the time being in charge of any Food Laboratory (by whatever designation he is known) recognised by the Central Government for the purposes of this section.]

NOTES

Damaged due to any cause including decomposition covered by the proviso to S. 13 (2-C)—When damage or loss should take place—Decomposition of the sample taking place even before the court directs despatch of the sample to the Central Food Laboratory, would be covered by word 'damaged'. *Charanga Lal* v. *State of Punjab*, (1984) 1 SCC 329 : 1984 SCC (Cri) 77.

Intimation and service of copy of Public Analyst's report should be after filing of complaint and not before. *Bhagirathi Das* v. *State of Orissa*, 1988 Cri LJ 260 (Ori).

Acquittal on ground that there was delay of six days in sending copy of report to the accused is improper. *Food Inspector* v. *P.V. Pillai*, 1988 Cri LJ 323.

Section 13(2-B) is directory. *Mohan Datt* v. *State of H.P.*, 1987 Cri LJ 1677 (HP).

Furnishing copy of result of analysis is mandatory. *Ram Chandra* v. *State*, 1987 Cri LJ 2025 (Ori).

In the absence of any prejudice to the accused, non-compliance with R. 9-A is not fatal to the prosecution. *Revta* v. *State*, 1987 Cri LJ 1967 (MP).

Failure to state number of case in the intimation does not amount to infraction of S. 13(2). *Food Inspector* v. *Velayudhan*, 1987 Cri LJ 1137 (Ker).

Delay in analysis—Burden on accused to prove that change in quality or standard occurred since date of sale due to natural causes or otherwise. *Mathukutty* v. *State of Kerala*, AIR 1988 Ker 60 : 1988 Cri LJ 898 (FB).

Copy of certificate bearing signature of the Director of C.F.L. can take the place of original certificate to be issued to him under the section. *Narain* v. *State*, 1978 All LJ 1268.

Inordinate delay in filing complaint is no ground to presume that accused was deprived of his right to get sample examined by the Director, Central Food Laboratory. It was the duty of the accused to make application under Section 13(2) of the Act. *Jairam* v. *State of M.P.*, 1978 Cri LJ 115 (MP).

Where the report of the Director, C.F.L. was that the sample sent to him was not adulterated the magistrate could not frame charge as there was no evidence before him. The accused was liable to be discharged. *Murlidhar* v. *State of Maharashtra*, 1978 Cri LJ 70 (Bom).

Where the Food Inspector is not able to enlighten the court on certain material points relating to the report, the accused is justified in requesting the court to summon the Public Analyst for cross-examination by invoking Section 243(2), CrPC. *Narayan* v. *State of Maharashtra*, 1978 Cri LJ 1483 (Bom).

Acquittal on the ground of non-compliance of the mandatory provisions regarding notice under S. 13(2) is proper. *Food Inspector, Guntur* v. *B.H. Rao*, 1994 Cri LJ 1145 (AP).

Non-supply of report of the Public Analyst to the accused as required under Section 13(2) of the Act causing serious prejudice to him. Hence, conviction was not sustainable. *Rameshwar Dayal* v. *State of U.P.*, 1995 Supp (4) SCC 659 : 1996 SCC (Cri) 75.

MISCELLANEOUS

[68][**14. Manufacturers, distributors and dealers to give warranty.**—No [69][manufacturer or distributor of, or dealer in,] any article of food shall sell such article to any vendor unless he also gives a warranty in writing in the prescribed form about the nature and quality of such article to the vendor :

[70][Provided that a bill, cash memorandum or invoice in respect of the sale of any article of food given by a manufacturer or distributor of, or dealer in, such article to the vendor thereof shall be deemed to be a warranty given by such manufacturer, distributor or dealer under this section.]

68. *Subs.* by Act 49 of 1964, S. 7 (w.e.f. 1-3-1965).
69. *Subs.* by Act 34 of 1976, S. 11 (w.e.f. 1-4-1976).
70. *Ins.* by Act 34 of 1976, S. 11 (w.e.f. 1-4-1976).

Explanation.—In this section, in sub-section (2) of Section 19 and in Section 20-A, the expression "distributor" shall include a commission agent.

NOTES

A bill, cash memorandum or invoice in respect of the sale of any article of food given by a manufacturer or distributor of or dealer in such article to the vendor thereof shall be deemed to be a warranty. *Chunduri Gopalkrishna* v. *State*, 1978 Cri LJ 1365 (AP).

14-A. Vendor to disclose the name, etc., of the person from whom the article of food was purchased.—Every vendor of an article of food shall, if so required, disclose to the food inspector the name, address and other particulars of the person from whom he purchased the article of food.]

NOTES

Under S. 14-A, no duty is cast on the Food Inspector to find out the vendor mentioned in cash memo and to implead him. *Pothuri Ananda Venkata Subba Rao Gupta* v. *State of A.P.*, 1991 Cri LJ 1115.

15. Notification of food poisoning.—[71][The Central Government or the State Government] may, by notification in the Official Gazette, require medical practitioners carrying on their profession in any local area specified in the notification to report all occurrences of food poisoning coming within their cognizance to such officer as may be specified in the notification.

16. Penalties.—[72][[73][(1) Subject to the provisions of sub-section (1-A), if any person—

(*a*) whether by himself or by any other person on his behalf, imports into India or manufactures for sale, or stores, sells or distributes any article of food—

(*i*) which is adulterated within the meaning of sub-clause (*m*) of clause (*ia*) of Section 2 or misbranded within the meaning of clause (*ix*) of that section or the sale of which is prohibited under any provision of this Act or any rule made thereunder or by an order of the Food (Health) Authority ;

(*ii*) other than an article of food referred to in sub-clause (*i*), in contravention of any of the provisions of this Act or of any rule made thereunder ; or

(*b*) whether by himself or by any other person on his behalf, imports into India or manufactures for sale, or stores, sells or distributes any adulterant which is not injurious to health ; or

(*c*) prevents a food inspector from taking a sample as authorised by this Act ; or

(*d*) prevents a food inspector from exercising any other power conferred on him by or under this Act ; or

(*e*) being a manufacturer of an article of food, has in his possession, or in any of the premises occupied by him, any adulterant which is not injurious to health ; or

(*f*) uses any report or certificate of a test or analysis made by the Director of the Central Food Laboratory or by a public analyst or

71. *Subs.* by Act 49 of 1964, S. 8 (w.e.f. 1-3-1965).
72. *Subs.* by Act 49 of 1964, S. 9 (w.e.f. 1-3-1965).
73. *Subs.* by Act 34 of 1976, S. 12 (w.e.f. 1-4-1976).

any extract thereof for the purpose of advertising any article of food ; or

(*g*) whether by himself or by any other person on his behalf, gives to the vendor a false warranty in writing in respect of any article of food sold by him,

he shall, in addition to the penalty to which he may be liable under the provisions of Section 6, be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years, and with fine which shall not be less than one thousand rupees :

Provided that—

(*i*) if the offence is under sub-clause (*i*) of clause (*a*) and is with respect to an article of food, being primary food, which is adulterated due to human agency or is with respect to an article of food which is misbranded within the meaning of sub-clause (*k*) of clause (*ix*) of Section 2 ; or

(*ii*) if the offence is under sub-clause (*ii*) of clause (*a*), but not being an offence with respect to the contravention of any rule made under clause (*a*) or clause (*g*) of sub-section (1-A) of Section 23 or under clause (*b*) of sub-section (2) of Section 24,

the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term which shall not be less than three months but which may extend to two years, and with fine which shall not be less than five hundred rupees :

Provided further that if the offence is under sub-clause (*ii*) of clause (*a*) and is with respect to the contravention of any rule made under clause (*a*) or clause (*g*) of sub-section (1-A) of Section 23 or under clause (*b*) of sub-section (2) of Section 24, the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term which may extend to three months and with fine which may extend to five hundred rupees.]

STATE AMENDMENTS

UTTAR PRADESH

The enhancement of punishment to imprisonment for life under Section 16(1) by the U.P. Act 47 of 1975, Section 6, has been *omitted* by U.P. Act 43 of 1976, Section 2 with effect from April 1, 1976. This was done because the amendment is now covered by the amendment made by Central Act 34 of 1976.

WEST BENGAL

In Section 16—

(*a*) in sub-section (1), for the words "a term which shall not be less than six months but which may extend to six years, and with fine which shall not be less than one thousand rupees" the words "life and shall also be liable to fine", shall be *substituted*,

(*b*) in the proviso to sub-section (1), for words, "the Court may for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months or fine of less than one thousand rupees or of both imprisonment for a term of less than six months and fine of less than one thousand rupees", the following words shall be *substituted*, namely :—

"(*ii*) If the Court thinks that for any adequate and special reasons to be mentioned in the judgment a lesser sentence would serve the ends of justice,

the Court may impose a sentence which is less than a sentence of imprisonment for life."—*vide* W.B. Act 42 of 1973.

[74][(1-A) If any person whether by himself or by any other person on his behalf, imports into India or manufactures for sale, or stores, sells or distributes,—

(*i*) any article of food which is adulterated within the meaning of any of the sub-clauses (*e*) to (*l*) (both inclusive) of clause (*ia*) of Section 2 ; or

(*ii*) any adulterant which is injurious to health,

he shall, in addition to the penalty to which he may be liable under the provisions of Section 6, be punishable with imprisonment for a term which shall not be less than one year but which may extend to six years and with fine which shall not be less than two thousand rupees :

Provided that if such article of food or adulterant, when consumed by any person is likely to cause his death or is likely to cause such harm on his body as would amount to grievous hurt within the meaning of Section 320 of the Indian Penal Code (45 of 1860), he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to term of life and with fine which shall not be less than five thousand rupees.]

[75][(1-AA)] If any person in whose safe custody any article of food has been kept under sub-section (4) of Section 10, tampers or in any other manner interferes with such article, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine which shall not be less than one thousand rupees.

[76][(1-B) If any person in whose safe custody any article of food has been kept under sub-section (4) of Section 10, sells or distributes such article which is found by the magistrate before whom it is produced to be adulterated within the meaning of sub-clause (*h*) of clause (*ia*) of Section 2 and which, when consumed by any person, is likely to cause his death or is likely to cause such harm on his body as would amount to grievous hurt within the meaning of Section 320 of the Indian Penal Code (45 of 1860), then, notwithstanding anything contained in sub-section (1-AA), he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to term of life and with fine which shall not be less than five thousand rupees.]

STATE AMENDMENTS

UTTAR PRADESH

The enhancement of punishment to imprisonment for life under Section 16(1-B) by the U.P. Act 47 of 1975, Section 6, has been *omitted* by U.P. Act 43 of 1975, Section 2 with effect from April 1, 1976. This was done because the amendment is now covered by the amendments made by Central Act 34 of 1976.

WEST BENGAL

In sub-section (1-B), for the words "a term of six years and with fine which shall not be less than one thousand rupees", the words "life and shall also be liable to fine" shall be *substituted—vide* W.B. Act 42 of 1973.

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74. *Ins.* by Act 34 of 1976, S. 12 (w.e.f. 1-4-1976).
75. *Renumbered* by Act 34 of 1976, S. 12 (w.e.f. 1-4-1976).
76. *Subs.* by Act 34 of 1976, S. 12 (w.e.f. 1-4-1976).

(1-C) If any person contravenes the provisions of Section 14 or Section 14-A, he shall be punishable with imprisonment for a term which may extend to six months and with fine which shall not be less than five hundred rupees.

(1-D) If any person convicted of an offence under this Act commits a like offence afterwards, then, without prejudice to the provisions of sub-section (2), the court, before which the second or subsequent conviction takes place, may order the cancellation of the licence, if any, granted to him under this Act and thereupon such licence shall, notwithstanding anything contained in this Act, or in the rules made thereunder, stand cancelled.]

(2) If any person convicted of an offence under this Act commits a like offence afterwards it shall be lawful for the court before which the second or subsequent conviction takes place to cause the offender's name and place of residence, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the court may direct. The expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

NOTES

At the stage of considering the validity of the charge it is the allegation that is material : at the stage of considering the guilt of the accused it is proof that is material. *Bhagwandas Jagdish Chander* v. *Delhi Administration*, (1975) 1 SCC 866 : 1975 SCC (Cri) 410.

Vendor slipping away from shop on Food Inspector disclosing his identity.—Held, on facts, act amounted to preventing the Food Inspector from taking sample as authorised by the Act. *Rajinder Pershad* v. *State of Haryana*, (1983) 3 SCC 452 : 1983 SCC (Cri) 655 ; [*Jagannath* v. *State of M.P.*, 1977 Cri LJ 974 : 1977 Jab LJ 133 : 1977 MP LJ 190 and *Naram Prasad* v. *State of Rajasthan*, AIR 1978 Raj 162 : 1978 Raj LW 173 : 1978 Cri LJ 1445, *overruled*].

In the absence of specific allegation that article of food in question was adulterated when the dealer parted with it, the dealer and the seller should be tried separately. *Swapan Kumar Singha Roy* v. *Anil Kumar*, 1988 Cri LJ 60.

The Court cannot pass the sentence less than the minimum prescribed by proviso to Section 16. *State of Haryana* v. *Yad Ram*, 1987 Cri LJ 79 (P&H) (FB) : [(1983) 1 Chand LR (Cri) 396 : (1983) 1 FAC 195 : (1986) 1 FAC 46 and (1986) 1 FAC 69, *overruled*].

The proviso to Section 16(1)(*a*)(*i*) provides that where the article of food is adulterated under Section 2(*i*)(*l*), the Court need not give the minimum sentence of 6 months and may impose a lesser sentence for adequate reasons. In the present case, the trial Court found that the appellant was a small retail shopkeeper who had only 3 kgs of chilli power (the adulterated article) and that no injurious ingredient was mixed with the article. These reasons are not so grossly inadequate to justify the High Court in interfering with the sentence. Courts are alive to the seriousness of food adulteration cases but they have to give due recognition to the intent of the Legislature. The Act itself permits leniency in some cases, and so, it is permissible for the courts to give the lesser sentence in suitable cases. (1977) 3 SCC 25 : 1977 SCC (Cri) 410.

Where the father of the appellant was a petty kirana merchant, in answer to the charge of selling adulterated Kutti chillies to the Government Food Inspector, the appellant's plea in defence was that he was a student only who had completed his 11th class and had gone to the shop to deliver meals to his father who had gone for a while to the Sales Tax Officer and during his absence he was busy studying his books at the shop when the Food Inspector came and took a sample of the foodstuff. From the testimony of the Medical Officer who accompanied the Food Inspector, it is amply clear that neither the licence nor the cash memo or the bill were asked for as to know the name of the shop nor any documents inspected to ascertain as to whether the appellant was the owner of the shop. When asked whether the appellant had told them that he was only a student studying privately for his B.A. and had come to the shop for bringing the meals for his father, he avoided giving a straight answer saying that he did not remember. Held, on facts it seems that the appellant was not in charge of the shop on a permanent basis and therefore the case is covered by the ambit of the proviso to S. 16(1) and the appellant is entitled

to the benefit of the lesser punishment. *Vinod Kumar* v. *State of Haryana*, 1989 Supp (2) SCC 768 : 1991 SCC Cri 229.

Even after setting aside conviction under S. 16(1-A) whereunder the accused appellant had been charge-sheeted, court can record conviction for a lesser offence under S. 16(1)(*a*) if the same covers the offence. *K. Krishna Iyer* v. *State of Kerala*, (1993) 3 SCC 226 : 1993 SCC (Cri) 831.

Where appellant convicted under S. 16(1)(*a*)(*i*) of the Act, for selling a sample of jeera which was found to be adulterated and sentenced to 3 month's SI and to pay a fine of Rs 500, held, plea that the appellant wanted to sell the sample to the Food Inspector after cleaning but the sample was taken by him without cleaning, not sufficient to reject prosecution case. Once there was a sale and the sample was found to be adulterated conviction must follow. However, in the facts and circumstances of the case, sentence reduced to the period already undergone (one month) and fine confirmed. *Santana Sahu* v. *State of Orissa*, 1995 Supp (4) SCC 464 : 1994 SCC (Cri) 1469.

Sale of Sago flours coloured with prohibited dyes must be deemed to have been adulterated under clause (*j*) of Section 2(*i*). That would exclude the applicability of the proviso to Section 16(1). *Nagar Mahapalika, Lucknow* v. *P. Gurnani*, 1978 Cri LJ 53 (All).

Mere inaction on the part of the vendor in not giving the sample would not be tantamount to preventing the Food Inspector from taking the sample. *Narain Pd.* v. *State of Rajasthan*, 1978 Cri LJ 1445 (Raj) : AIR 1978 Raj 162.

It is not necessary that to commit an offence under Section 16(1)(*b*) there should be necessarily either physical obstruction or threat to the Food Inspector himself. That offence can be committed by destroying the very evidence of the sample. *Sheshrao Topaji* v. *State of Maharashtra*, 1978 Cri LJ 217 (Bom).

Sale of adulterated food attracts Section 7(*i*) while violation of the Rules is caught in the coils of Section 7(*v*). This differentiation is linked to Section 16. For an offence under Section 7(*v*) read with Section 16(1)(*a*)(*ii*) brings into play the marginal mitigatory discretion vested in the magistrate under the proviso thereto. Sale of adulterated food calls for nothing less than six months' rigorous imprisonment and Rs 1000 fine while sale merely in derogation of the Rules leaves the court, room for awarding a lesser penalty. *P.K. Tejani* v. *M.R. Dange*, (1974) 1 SCC 167 : 1974 SCC (Cri) 87.

The distribution of impure or adulterated food for consumption is an act perilous to human life and health, a dangerous act and cannot be made innocent and harmless by the want of knowledge or by good faith of the seller ; it is the act itself and not the intent, that determines the guilt and the actual harm to the public is the same in one as in the other. Thus, the seller of food is under the duty of ascertaining at his peril whether the article of food conforms to the standard fixed by the statutes or ordinances, expressly or by implication, make intent an element of offence. *P.K. Tejani* v. *M.R. Dange*, (1974) 1 SCC 167 : 1974 SCC (Cri) 87.

The discretion permitted to the Court in the matter of sentence is available only in cases mentioned in the proviso to Section 16(1). *Brahm Pal* v. *Municipal Corpn., Delhi*, (1975) 3 SCC 703 : 1975 SCC (Cri) 148.

The fact that the article of food found to be adulterated is used as a luxury item and the accused is a petty shopkeeper in a small village are not good circumstances for taking a lenient view. *Vijay Kumar* v. *State of Punjab*, (1974) 3 SCC 769 : 1974 SCC (Cri) 245.

The accused had entrusted the running of the shop to his nephew. There was no evidence to show that there was any mechanism in the shop by which the fat contents could be extracted from unboiled milk and there was also no evidence that any water had been added to the milk. The sentence was reduced to rigorous imprisonment for three months and the fine to Rs 500. *Atit Pd. Ram Kishan Singh* v. *State of Maharashtra*, (1972) 2 SCC 180 : 1972 SCC (Cri) 621.

The fact was that the food article was sold to the Food Inspector by the appellant 1 alone. Even if the version of the Food Inspector that at the time of the sale appellant 1 had told him that the shop was being run in partnership by him with his two brothers appellants 2 and 3, is believed, held, appellants 2 and 3 cannot be convicted in absence of any evidence proving the partnership and their complicity beyond reasonable doubt. *Rajendra* v. *State of M.P.*, (1991) 3 SCC 620 : 1991 SCC (Cri) 912.

Where the accused had been on bail for a period of nearly seven years and the main accused had been acquitted the sentence was reduced to two months' rigorous imprisonment and a fine of Rs 1000. *Jagdish Pd.* v. *State of W.B.*, (1972) 1 SCC 326 : 1972 SCC (Cri) 63.

The offence punishable under Section 16(1) of the Act is not that of selling, as dealer, regularly or irregularly of an article of food which may be found to be adulterated but the act of selling an adulterated article of food is itself an offence. A mere sale of foodstuffs to the Food

Inspector is enough. It is not necessary that the vendor should be a dealer in the article he sells. *Food Inspector* v. *C. Gopalan*, (1971) 2 SCC 322 : 1971 SCC (Cri) 522.

The question whether a person selling an adulterated article has or has no knowledge of the article being adulterated is of no consequence, yet when the question of imposing penalty comes, certainly different considerations should weigh with a person who is knowingly passing an adulterated article of food and a person who is unknowingly doing so. *Prabhakar* v. *State of Maharashtra*, 1977 Cri LJ 127.

The fact that the accused was taking the milk to his relations is no ground for awarding a sentence below the minimum. *Vidya Nand* v. *State of U.P.*, 1976 Cri LJ 1820.

To earn the eligibility to fall under the proviso to Section 16(1) (as it stood prior to its amendment by Act 34 of 1976) the accused must establish not only that his case falls positively under the offences specified in the said proviso but negatively that his facts do not attract any of the non-proviso offences in Section 16(1). Eligibility to the commiserative consideration set out in proviso (*i*) to Section 16(1) depends on whether the adulteration of the article of food is of species exclusively covered by Section 2(*i*)(*l*) (as it stood prior to amendment by Act 34 of 1976) or it is misbranded under Section 2(*ix*)(*k*). (1977) 1 SCC 300 : 1977 SCC (Cri) 97.

Judicial compassion can play upon the situation only if the offence is under sub-clause (*i*) of clause(*a*) of Section 16(1) and the adulteration is one which falls under sub-clause (*l*) of clause (*i*) of Section 2. Secondly, the proviso also applies if the offence is under sub-clause (*ii*) of clause (*a*), that is to say, the offence is not one of adulteration but is made up of a contravention of any of the other provisions of the Act or of any rule made thereunder. (1976) 3 SCC 684 : 1976 SCC (Cri) 493.

An offence relating to absence of licence is not covered by the first proviso to S. 16(1), but is relatable to the second proviso to S. 16(1). *Badridas Chandak* v. *Purna Chandra Mishra*, 1996 Cri LJ 902.

Where an offence was committed before coming into force of Amendment Act 34 of 1976 and under unamended provisions imposition of minimum sentence was not mandatory, accused acquitted by courts below but convicted by Supreme Court 15 years after commission of the offence. Held, at this distance of time ends of justice may not be served by sending the accused/respondent to imprisonment. Agony of prosecution suffered by him during these years would be sufficient, but sentence of fine of Rs 500 is imposed upon the respondent. *State of Orissa* v. *K. Rajeshwar Rao*, (1992) 1 SCC 365 : 1992 SCC (Cri) 177.

Where RI of 6 months and fine of Rs 1000 was imposed by the courts below for an offence under S. 7 r/w S. 16, sentence being minimum, held, Supreme Court's interference therewith by taking lenient view on the ground of long lapse of time was not called for. *State of U.P.* v. *Hanif*, (1992) 3 SCC 100.

Where sample of curds were not taken in their completeness and there being variation of only .06% in milk solid fat, High Court was not justified in upsetting the acquittal of the accused. *K. Hari Kumar* v. *Food Inspector, Punaloor Municipality*, 1995 Supp (3) SCC 405 : 1995 SCC (Cri) 933.

[77][**16-A. Power of court to try cases summarily.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), all offences under sub-section (1) of Section 16 shall be tried in a summary way by a Judicial Magistrate of the first class specially empowered in this behalf by the State Government or by a Metropolitan Magistrate and the provisions of Sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial :

Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year :

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the Magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason,

77. *Ins.* by Act 34 of 1976, S. 13 (w.e.f. 1-4-1976).

undesirable to try the case summarily, the Magistrate shall after hearing the parties, record an order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.]

[78][**17. Offences by companies.**—(1) Where an offence under this Act has been committed by a company—

(*a*) (*i*) the person, if any, who has been nominated under sub-section (2) to be in charge of, and responsible to, the company for the conduct of the business of the company (hereinafter in this section referred to as the person responsible), or

(*ii*) where no person has been so nominated, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company ; and

(*b*) the company,

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Any company may, by order in writing, authorise any of its directors or managers (such manager being employed mainly in a managerial or supervisory capacity) to exercise all such powers and take all such steps as may be necessary or expedient to prevent the commission by the company of any offence under this Act and may give notice to the Local (Health) Authority, in such form and in such manner as may be prescribed, that it has nominated such director or manager as the person responsible, along with the written consent of such director or manager for being so nominated.

Explanation.—Where a company has different establishments or branches or different units in any establishment or branch, different persons may be nominated under this sub-section in relation to different establishments or branches or units and the person nominated in relation to any establishment, branch or unit shall be deemed to be the person responsible in respect of such establishment, branch or unit.

(3) The person nominated under sub-section (2) shall, until—

(*i*) further notice cancelling such nomination is received from the company by the Local (Health) Authority ; or

(*ii*) he ceases to be a director or, as the case may be; manager of the company ; or

(*iii*) he makes a request in writing to the Local (Health) Authority, under intimation to the company, to cancel the nomination [which request shall be complied with by the Local (Health) Authority],

whichever is the earliest, continue to be the person responsible :

78. *Subs.* by Act 34 of 1976, S. 14 (w.e.f. 1-4-1976).

Provided that where such person ceases to be a director or, as the case may be, manager of the company, he shall intimate the fact of such cesser to the Local (Health) Authority :

Provided further that where such person makes a request under clause (*iii*), the Local (Health) Authority shall not cancel such nomination with effect from a date earlier than the date on which the request is made.

(4) Notwithstanding anything contained in the foregoing sub-sections, where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, [not being a person nominated under sub-section (2)] such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(*a*) "company" means any body corporate and includes a firm or other association of individuals ;

(*b*) "director", in relation to a firm, means a partner in the firm ; and

(*c*) "manager", in relation to a company engaged in hotel industry, includes the person in charge of the catering department of any hotel managed or run by it.]

NOTES

If the accused concerned is absent at the time of the commission of the offence and circumstances are eloquently such as to lead to the clear inference that there was no proof scienter regarding the commission of the particular offence, knowledge being absent, immunity from conviction for that offence follows. Where there was no proof that it was a regular practice to sell buffalo's milk as cow's milk, knowledge of misbranding could not be inferred on the part of the absent partner. (1977) 1 SCC 300 : 1977 SCC (Cri) 97.

Complaint alleging clearly that Chairman, Managing Director and Directors of the mill were in charge of and responsible for the conduct of its business at the time of commission of offence—In view of the clear averment of the role played by each respondent and extent of their liability, held, complaint not liable to be quashed—Complaint not vague —Extent of available evidence against them not relevant at this stage—Code of Criminal Procedure, 1973—Section 422. *Municipal Corpn.* v. *Purshotam Das Jhunjunwala*, (1983) 1 SCC 9 : 1983 SCC (Cri) 123.

Complaint against accused Manager and Directors of manufacturing company for commission of offence under Sections 7/16, Prevention of Food Adulteration Act, presuming that the accused were in charge of and responsible for the conduct of business of the company at the time of sampling—Held, prima facie offence made out against the Manager in view of the very nature of his office and functions, but the complaint being vague as regards the Directors and no offence revealed against them—Hence High Court justified in quashing proceedings against the Directors but erred in doing so against the Manager—Criminal Procedure Code, 1973—Section 482. *Municipal Corpn.* v. *Ram Kishan Rohtagi*, (1983) 1 SCC 1 : 1983 SCC (Cri) 115.

Prosecution of company and its employees—Absence of allegation in complaint that employees were nominees—Complaint cannot be quashed on this ground—Complaint can proceed on the principle of deemed guilt. *B.M.L. Garg* v. *Union Territory, Chandigarh*, 1987 Cri LJ 507 (P&H).

A person nominated under sub-section (2) of S. 17 has to be proceeded against provided where offence is shown to have been committed with consent or connivance of any Director, Manager, Secretary or other officer of the company, such director, manager etc. has also to be proceeded against under sub-section (4) of S. 17. If company shows that nomination had been validly made under sub-section (2) of S. 17 prior to commission of the offence, the nominated person would be liable to be proceeded against under sub-section 1(*a*)(*i*) of S. 17. Onus would then lie on the prosecution to prove consent or connivance of any Director, Manager etc. in commission of the offence. Only on such proof the Director, Manager etc. could also be

prosecuted. However, in absence of any allegation in the complaint regarding consent or connivance of the Director, Manager etc., they cannot be proceeded against. *R. Banerjee* v. *H.D. Dubey*, (1992) 2 SCC 552 : 1992 SCC (Cri) 412.

Sale of adulterated refined cotton seed oil by the Firm—The finding of the High Court that there was no violation of R. 7(3) and that the local health authorities received the report of the Public Analyst well within the prescribed time confirmed—The High Court has rightly held that the local health authorities strictly complied with R. 9-A and even otherwise the same also was analysed by the Central Food Laboratory and there was no prejudice caused to the accused. Hence, reversal of acquittal of the firm and its managing partner was upheld by the Supreme Court. *P.N. Muthu* v. *Food Inspector, Tellicherry Municipality*, 1994 Supp (1) SCC 601 : 1994 SCC (Cri) 623.

18. Forfeiture of property.—Where any person has been convicted under this Act for the contravention of any of the provisions of this Act or of any rule thereunder, the article of food in respect of which the contravention has been committed may be forfeited to the Government :

[79][Provided that where the court is satisfied that the article of food is capable of being made to conform to prescribed standards for human consumption after reprocessing, the court may order the article of food to be returned to the owner, on his executing a bond with or without sureties, for being sold, subject to the other provisions of this Act, after reprocessing under the supervision of such officer as may be specified therein.]

19. Defences which may or may not be allowed in prosecutions under this Act.—(1) It shall be no defence in a prosecution for an offence pertaining to the sale of any adulterated or misbranded article of food to allege merely that the vendor was ignorant of the nature, substance or quality of the food sold by him or that the purchaser having purchased any article for analysis was not prejudiced by the sale.

[80][(2) A vendor shall not be deemed to have committed an offence pertaining to the sale of any adulterated or misbranded article of food if he proves—

(*a*) that he purchased the article of food—

(*i*) in a case where a licence is prescribed for the sale thereof, from a duly licensed manufacturer, distributor or dealer ;

(*ii*) in any other case, from any manufacturer, distributor or dealer, with a written warranty in the prescribed form ; and

(*b*) that the article of food while in his possession was properly stored and that he sold it in the same state as he purchased it.]

(3) Any person by whom a warranty as is referred to [81][in Section 14] is alleged to have been given shall be entitled to appear at the hearing and give evidence.

STATE AMENDMENTS

UTTAR PRADESH

After Section 19, the following section shall be *inserted*, namely :

"19-A. *Burden of proof.*—When any article intended for food is seized from any person under sub-section (4) of Section 10 by a food inspector in the reasonable belief that the same is adulterated or misbranded, the burden of proving that such article intended for food is not adulterated or misbranded shall be on the person from whose

79. *Ins.* by Act 34 of 1976, S. 15 (w.e.f. 1-4-1976).
80. *Subs.* by Act 49 of 1964, S. 10 (w.e.f. 1-3-1965).
81. *Subs.* by Act 49 of 1964, S. 10 (w.e.f. 1-3-1965).

possession such article intended for food was seized." [U.P. Act 47 of 1975, Section 6, w.e.f. 15-9-1975.]

WEST BENGAL

After Section 19, the following section shall be *inserted*, namely :—

"19-A. *Burden of proof.*—When any article intended for food is seized from any person in the reasonable belief that the same is adulterated or misbranded the burden of proving that such article intended for food is not adulterated or misbranded shall be on the person from whose possession such article intended for food was seized."—*vide* W.B. Act 42 of 1973.

NOTES

A written warranty is required in both the cases in Section 19(2)(*a*)(*i*) and (*ii*). Section 19(2)(*a*) will provide a defence where a vendor purchases article of food from a licensed manufacturer, distributor or dealer with a written warranty in the prescribed form. Again a vendor shall not be deemed to have committed an offence pertaining to the sale of any adulterated or misbranded article of food if he purchased the article from any manufacturer, distributor or dealer with a written warranty in prescribed form. *Rejaldas Gurunamal Pamanani* v. *State of Bihar*, (1975) 3 SCC 375 : 1975 SCC (Cri) 1.

The opportunity to appear and give evidence is to enable the person who gave the warranty to show that the vendor has not properly stored the article while in his possession or that he did not sell the article in the same state as he purchased it and thus to avoid a prosecution against him on the basis of a false warranty. *V.N. Kamdar* v. *Municipal Corpn., Delhi*, (1973) 2 SCC 207 : 1973 SCC (Cri) 783.

In the instant case, the purchase of food article was made in sealed tins with a warranty in prescribed form. Sale of such article to the Food Inspector was in the same form and condition, therefore, the requirements of S. 19(2) r/w R. 12-A are satisfied. Accused purchasing the article from a representative of the firm which was 200 km away. In the circumstances, accused was not required to verify whether the contents of the label on the tin and those in the bill containing warranty were correct or not and whether the firm exists or not. At that juncture knowledge about non-existence of the firm could not be attributed to the accused. Therefore, on the facts of the case, it must be held that the accused has duly discharged the burden to the extent necessary under S. 19(2) read with R. 12-A of the Act. *P. Unnikrishnan* v. *Food Inspector, Palghat Municipality*, 1995 Supp (3) SCC 186 : 1995 SCC (Cri) 823.

20. Cognizance and trial of offences.—(1) [82][No prosecution for an offence under this Act, not being an offence under Section 14 or Section 14-A,] shall be instituted except by, or with the written consent of, [83][the Central Government or the State Government [84][* * *] or a person authorised in this behalf, by general or special order, by the Central Government or the State Government [85][* * *]] :

Provided that a prosecution for an offence under this Act may be instituted by a purchaser [86][or recognised consumer association] referred to in Section 12, if he [or it][87] produces in court a copy of the report of the public analyst along with the complaint.

[88][(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence punishable under sub-section (1-AA) of Section 16 shall be cognizable and non-bailable.]

82. *Subs.* by Act 34 of 1976, S. 16 (w.e.f. 1-4-1976).
83. *Subs.* by Act 49 of 1964, S. 11 (w.e.f. 1-3-1965).
84. *Omitted* by Act 34 of 1976, S. 16 (w.e.f. 1-4-1976).
85. *Omitted* by Act 34 of 1976, S. 16 (w.e.f. 1-4-1976).
86. *Ins.* by Act 70 of 1986, S. 3 (w.e.f. 1-5-1987).
87. *Ins.* by Act 70 of 1986, S. 3 (w.e.f. 1-5-1987).
88. *Subs.* by Act 34 of 1976, S. 16 (w.e.f. 1-4-1976).

NOTES

The two conditions specified in Section 20(1) are in the alternative and if either of them is specified, it is sufficient compliance with the requirements of the section. It is not necessary that even after written consent is given by the competent authority or person, the prosecution must still be launched by any one of the four categories of authorities or persons specified in the section. *Corpn. of Calcutta* v. *Md. Omer Ali*, (1976) 4 SCC 527 : 1977 SCC (Cri) 6.

When the Food Inspector files the complaint under the authority of the Municipal Board, he files the complaint not on his own behalf, but on behalf of the Municipal Board. The real complainant would be the Municipal Board and an appeal filed by the Municipal Board would not be invalid. *Municipal Board* v. *Raja Ram*, 1977 Cri LJ 122 (All).

Where the cognizance of offence was taken on the basis of the report of the Public Analyst but the Director's report reversed the report of the Analyst, the court can proceed with the case without obtaining written consent. *State of Gujarat* v. *Ambalal Maganlal*, 1978 Cri LJ 1036 (Guj).

Sub-delegation of power—Power to initiate prosecution for offence under the Act conferred by Section 20(1) delegated by the State Government to Food (Health) Authority under Rule 3 of Prevention of Food Adulteration (Punjab) Rules, 1958—Held, Food (Health) Authority not competent to sub-delegate that power of Food Inspector—Rule 3 to be read subject to Section 20(1). *A.K. Roy* v. *State of Punjab*, (1986) 4 SCC 326, 332 to 334 : 1986 SCC (Cri) 443.

Complaint by a person not designated by the State Government is incompetent. *Vinod Kumar* v. *State of Punjab*, (1988) 15 Reports 87 (P & H).

The sanctioning authority must record reasons for launching prosecution in public interest. *Gahininath Bhimrao Patekar* v. *State of Maharashtra*, 1988 Cri LJ 48.

Under sub-section 1 of S. 20, written consent for prosecution is not an idle formality. However, it does not require the passing of a quasi-judicial order giving reasons for according consent. *Mangturam Agarwal* v. *State of Orissa*, 1994 Cri LJ 1912 (Ori).

Grant of a valid sanction to prosecute for an offence under the Act is a condition precedent under S. 20. It was held that the accused need not be owner of the shop selling adulterated food article, hence, acquittal of accused on the sole ground that his father was the owner of the shop reversed. *State of Orissa* v. *K. Rajeshwar Rao*, (1992) 1 SCC 365 : 1992 SCC (Cri) 177.

In exercise of powers conferred by sub-s. 1 of S. 20 of the Act, Chief Medical Officer was a person authorised to institute a complaint. Held, Chief Medical Officer could give his consent as well to Food Inspector for launching of prosecution. Hence, quashing of complaints filed by Food Inspector under S. 16(1)(*a*)(*i*) r/w R. 20, on the ground of want of authority is not proper. *Food Inspector, Health Dept., Chandigarh* v. *Krishna Dhaba*, 1995 SCC (Cri) 172.

Where the written consent of authority preceded institution of proceedings is supported by material on record, prosecution cannot be quashed for want of necessary sanction as provided in S. 20(1) of the Act. *Narain Extraction (P) Ltd.* v. *P.C. Mishra*, 1996 Cri LJ 736(Ori).

STATE AMENDMENTS

WEST BENGAL

For Section 20, the following section shall be *substituted*, namely :

"20. *Cognizance of offences and arrest without warrant.*—(1) All offences punishable under this Act shall be cognizable and non-bailable.

(2) Any police officer not below the rank of a Sub-Inspector of Police may arrest without warrant any person against whom a reasonable complaint has been made or credible information has been received of his having been concerned in any of the offences punishable under this Act."—*Vide* W.B. Act 42 of 1973.

[89][**20-A. Power of court to implead manufacturer, etc.**—Where at any time during the trial of any offence under this Act alleged to have been committed by any person, not being the manufacturer, distributor or dealer of any article of food, the court is satisfied, on the evidence adduced before it, that such manufacturer, distributor or dealer is also concerned with that offence, then, the court may, notwithstanding anything contained in [90][sub-section (3) of Section 319 of the Code of Criminal Procedure, 1973 (2 of

89. *Ins.* by Act 49 of 1964, S. 12 (w.e.f. 1-3-1965).
90. *Subs.* by Act 34 of 1976, S. 17 (w.e.f. 1-4-1976).

1974)], or in Section 20 proceed against him as though a prosecution had been instituted against him under Section 20.]

NOTES

Section 20-A contemplates action which can only be taken during the course of the trial. A separate trial would require written consent under Section 20. The addition of an accused under this section constitutes an expressly laid down exception to the requirement of sanction under Section 20. An object of this section seems to be that the prosecution of a person impleaded as an accused in the course of a trial does not require a separate sanction. Another object of the section seems to be that such a power enables trial of the really guilty parties. *Bhagwandas Jagdish Chander* v. *Delhi Administration*, (1975) 1 SCC 866 : 1975 SCC (Cri) 410.

Section 20-A is an enabling provision. There is nothing mandatory about it. It does not create exemption to the normal procedure prescribed by the Criminal Procedure Code regarding holding of separate trials. *V.N. Kamdar* v. *Municipal Corpn., Delhi*, (1973) 2 SCC 207 : 1973 SCC (Cri) 783.

If a manufacturer, distributor or dealer is already an accused in the case and the trial is pending against any of them then Section 20-A has no application. *M. Damodaram* v. *T.A. Abdulla*, (1988) 15 Reports 265 (Ker).

Section 20-A empowers the Magistrate to proceed against the manufacturer, distributor or dealer if during the course of trial evidence adduced before the court discloses that such manufacturer, distributor or dealer is also concerned with that offence. Section 319(3) CrPC is not a bar to such a joint trial. So, the fact that the person from whom the article of food was purchased is a dealer would not make the section non-operational. *Delhi Cloth & General Mills Co. Ltd.* v. *State of M.P.*, (1995) 6 SCC 62 : 1995 SCC (Cri) 1024.

[91][**20-AA. Application of the Probation of Offenders Act, 1958 and Section 360 of the Code of Criminal Procedure, 1973.**—Nothing contained in the Probation of Offenders Act, 1958 (20 of 1958) or Section 360 of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply to a person convicted of an offence under this Act unless that person is under eighteen years of age.]

NOTES

The rehabilatory purpose of the Probation of Offenders Act is pervasive enough technically to take within its wings an offence even under the Act. But the kindly application of the probation principles is negatived by the imperative of social defence and the improbabilities of moral proselytisation. No chance can be taken by society with a man whose anti-social operations, disguised as a respectable trade imperil numerous innocents. These economic offences committed by white-collar criminals are unlikely to be dissuaded by the probationary process. *Pyarali K. Tejani* v. *M.R. Dange*, (1974) 1 SCC 167 : 1974 SCC (Cri) 87.

[92][**21. Magistrate's power to impose enhanced penalties.**—Notwithstanding anything contained in Section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Metropolitan Magistrate or any Judicial Magistrate of the first class to pass any sentence authorised by this Act, except a sentence of imprisonment for life or for a term exceeding six years, in excess of his powers under the said section.]

STATE AMENDMENTS

UTTAR PRADESH

After Section 21, the following section shall be *inserted*, namely :

"21-A. *Offences to be cognizable and non-bailable.*—All offences punishable under this Act shall be cognizable and non-bailable." *Inserted* by U.P. Act 47 of 1975, w.e.f. 15-9-1975 and *omitted* by U.P. Act 43 of 1976, w.e.f. 1-4-1976.

22. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

91. *Ins.* by Act 34 of 1976, S. 18 (w.e.f. 1-4-1976).

92. *Subs.* by Act 34 of 1976, S. 19 (w.e.f. 1-4-1976).

[93][**22-A. Power of Central Government to give directions.**—The Central Government may give such directions as it may deem necessary to a State Government regarding the carrying into execution of all or any of the provisions of this Act and the State Government shall comply with such directions.]

23. Power of the Central Government to make rules.—[94][(1) The Central Government may, after consultation with the Committee and after previous publication by notification in the Official Gazette, make rules to carry out the provisions of this Act :

Provided that consultation with the Committee may be dispensed with if the Central Government is of the opinion that circumstances have arisen which render it necessary to make rules without such consultation, but, in such a case, the Committee shall be consulted within six months of the making of the rules and the Central Government shall take into consideration any suggestions which the Committee may make in relation to the amendment of the said rules.]

[95][(1-A)] [96][In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :

(*a*) specifying the articles of food or classes of food for the import of which a licence is required and prescribing the form and conditions of such licence, the authority empowered to issue the same [97][, the fees payable therefor, the deposit of any sum as security for the performance of the conditions of the licence and the circumstances under which such licence or security may be cancelled or forfeited] ;

(*b*) defining the standards of quality for, and fixing the limits of variability permissible in respect of, any article of food ;

(*c*) laying down special provisions for imposing rigorous control over the production, distribution and sale of any article or class of articles of food which the Central Government may, by notification in the Official Gazette, specify in this behalf including registration of the premises where they are manufactured, maintenance of the premises in a sanitary condition and maintenance of the healthy state of human beings associated with the production, distribution and sale of such article or class of articles ;

(*d*) restricting the packing and labelling of any article of food and the design of any such package or label with a view to preventing the public or the purchaser being deceived or misled as to the character, quality or quantity of the article [98][or to preventing adulteration] ;

(*e*) defining the qualifications, powers and duties of food inspectors and public analysts ;

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93. *Ins.* by Act 34 of 1976, S. 20 (w.e.f. 1-4-1976).
94. *Ins.* by Act 34 of 1976, S. 21 (w.e.f. 1-4-1976).
95. *Renumbered* by Act 34 of 1976, S. 21 (w.e.f. 1-4-1976).
96. *Subs.* by Act 34 of 1976, S. 21 (w.e.f. 1-4-1976).
97. *Subs.* by Act 49 of 1964, S. 13 (w.e.f. 1-3-1965).
98. *Ins.* by Act 34 of 1976, S. 21 (w.e.f. 1-4-1976).

[1][(*ee*) defining the laboratories where samples of articles of food or adulterants may be analysed by public analysts under this Act ;]

(*f*) prohibiting the sale or defining the conditions of sale of any substance which may be injurious to health when used as food or restricting in any manner its use as an ingredient in the manufacture of any article of food or regulating by the issue of licences the manufacture or sale of any article of food ;

(*g*) defining the conditions of sale or conditions for licence of sale of any article of food in the interest of public health ;

(*h*) specifying the manner in which containers for samples of food purchased for analysis shall be sealed up or fastened up ;

[2][(*hh*) defining the methods of analysis ;]

(*i*) specifying a list of permissible preservatives, other than common salt and sugar, which alone shall be used in preserved fruits, vegetables or their products or any other article of food as well as the maximum amounts of each preservative ;

(*j*) specifying the colouring matter and the maximum quantities thereof which may be used in any article of food ;

(*k*) providing for the exemption from this Act or of any requirements contained therein and subject to such conditions, if any, as may be specified, of any article or class of articles of food ;

(*l*) prohibiting or regulating the manufacture, transport or sale of any article known to be used as an adulterant of food ;

(*m*) prohibiting or regulating—

(*i*) the addition of any water, or other diluent or adulterant to any article of food ;

(*ii*) the abstraction of any ingredient from any article of food ;

(*iii*) the sale of any article of food to which such addition or from which such abstraction has been made or which has been otherwise artificially treated ;

(*iv*) the mixing of two or more articles of food which are similar in nature or appearance ;

(*n*) providing for the destruction of such articles of food as are not in accordance with the provisions of this Act or of the rules made thereunder.

[3][(2) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days [4][which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,] both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1. *Ins.* by Act 34 of 1976, S. 21 (w.e.f. 1-4-1976).
2. *Ins* by Act 34 of 1976, S. 21 (w.e.f. 1-4-1976).
3. *Subs.* by Act 49 of 1964, S. 13 (w.e.f. 1-3-1965).
4. *Subs.* by Act 34 of 1976, S. 21 (w.e.f. 1-4-1976).

24. Power of the State Government to make rules.—(1) The State Government may, after consultation with the Committee and subject to the condition of previous publication, make rules for the purpose of giving effect to the provisions of this Act in matters not falling within the purview of Section 23.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) define the powers and duties of the Food (Health) Authority [5][, local authority and Local (Health) Authority under this Act] [6][* * *] ;

(*b*) prescribe the forms of licences for the manufacture for sale, for the storage, for the sale and for the distribution of articles of food or any specified article of food or class of articles of food, the form of application for such licences, the conditions subject to which such licences may be issued, the authority empowered to issue the same [7][, the fees payable therefor, the deposit of any sum as security for the performance of the conditions of the licences and the circumstances under which such licences or security [8][may be suspended, cancelled or forfeited]] ;

(*c*) direct a fee to be paid for analysing any article of food or for any matter for which a fee may be prescribed under this Act ;

(*d*) direct that the whole or any part of the fines imposed under this Act shall be paid to a local authority on realisation ;

(*e*) provide for the delegation of the powers and functions conferred by this Act on the State Government or the Food (Health) Authority to subordinate authorities or to local authorities.

(3) All rules made by the State Governments under this Act shall, as soon as possible after they are made, be laid before the respective State Legislatures.

[9]**25. Repeal and saving.**—(1) If, immediately before the commencement of this Act, there is in force in any State to which this Act extends any law corresponding to this Act, that corresponding law shall upon such commencement stand repealed.

(2) Notwithstanding the repeal by this Act of any corresponding law all rules, regulations and bye-laws relating to the prevention of adulteration of food, made under such corresponding law and in force immediately before the commencement of this Act shall, except where and so far as they are inconsistent with or repugnant to the provisions of this Act, continue in force until altered, amended or repealed by rules made under this Act.

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5. *Subs.* by Act 34 of 1976, S. 22 (w.e.f. 1-4-1976).
6. *Omitted* by Act 49 of 1964, S. 14.
7. *Subs.* by Act 49 of 1964, S. 14 (w.e.f. 1-3-1965).
8. *Subs.* by Act 34 of 1976, S. 22 (w.e.f. 1-4-1976).
9. In its application to the State of Jammu and Kashmir, in Section 25, after sub-section (2), the following sub-section shall be *inserted*, namely :

"(3)(*a*) References to the commencement† of this Act in this section shall be construed as references to the commencement of the Prevention of Food Adulteration (Amendment) Act, 1971.

(*b*) For the avoidance of doubt, it is hereby declared that the provisions of sub-section (2) shall be without prejudice to the provisions contained in Section 6 of the General Clauses Act, 1897 (10 of 1897), which shall also apply to the repeal of the corresponding law in force in the State of Jammu and Kashmir as if such corresponding law had been an enactment."

†January 26, 1972. [*Vide* Prevention of Food Adulteration (Amendment) Act, 1971 (41 of 1971), S. 4.]

The Prevention of Food Adulteration Rules, 1955†

PART I

PRELIMINARY

1. Short title, extent and commencement.—(1) These Rules may be called the Prevention of Food Adulteration Rules, 1955.

(2) They extend to the whole of India [1][* * *]

[2][(3) The rules other than those contained in Part III, Appendix B, Item A.12—Margarine, Part VI and Part VII shall come into force on the date of their publication in the Official Gazette, the rules contained in Part III, Appendix B Item A.12—Margarine, shall come into force on the first day of June, 1956 and the rules contained in Part VI and Part VII shall come into force on [3][the first day of December], 1956.]

2. Definitions.—In these rules, unless the context otherwise requires—

(*a*) "Act" means the Prevention of Food Adulteration Act, 1954 (37 of 1954) ;

(*b*) "Director" means the Director of the Laboratory ;

[4][(*c*) "Laboratory" means a Central Food Laboratory ;]

(*d*) "Form" means a Form set forth in Appendix A to these rules ;

[5][(*e*) "Local Authority" means—

(*i*) in the case of sea ports, the Health Officer as defined in the Indian Port Health Rules, 1955, in respect of that portion of local area falling within the jurisdiction of the ports ;

(*ii*) in the case of airports, the Health Officer as defined in the Indian Aircraft (Public Health) Rules, 1954, in respect of that portion of the local area falling within the jurisdiction of the airport ;

(*iii*) in the case of all railway stations or groups of railway stations (including any railway colony, office, yard, goods-shed, transhipment shed, workshop and other works owned and maintained by the Railway Administration for the purpose or in connection with Railways) the Medical Superintendent/Divisional Medical Officer of the Railways in respect of that portion of the local area falling within the jurisdiction of the said railway station or group of railway stations.]

[6][(*iv*) in the case of an ordnance factory or equipment factory, the General Manager of such factory or equipment factory or both.]

NOTES

Under Section 2(*iv*) of the Act the Director is a person appointed by the Central Government by notification in the Official Gazette.

† Noti. No. SRO 2106, dt. 12-9-1955.

1. The words "except the State of J & K" *omitted* by Noti. No. GSR 436(E) of 10-10-1972.
2. *Subs.* by Noti. No. SRO 1202, dt. 19-5-1956.
3. *Subs.* by Noti. No. SRO 2213, dt. 28-9-1956.
4. *Subs.* by Noti. No. GSR 70(E), dt. 8-2-1978 (w.e.f. 1-4-1978).
5. *Ins.* by Noti. No. GSR 508(E), dt. 27-9-1975.
6. *Ins.* by Noti. No. GSR 422(E), dt. 24-5-1982 (w.e.f. 24-5-1982).

The laboratory is established by the Central Government under Section 4 by notification in the Official Gazette.

Section 2(*viii*) defines "local authority". Sub-section (1) defines the local authorities for a municipality, a cantonment and a notified area. Sub-section (2) empowers the Central Government to prescribe local authorities for other "local areas". Rule 2(*e*) prescribes the local authorities for the other areas.

PART II

THE CENTRAL FOOD LABORATORY

3. Functions.—[7][(1)] In addition to the functions entrusted to the Laboratory by the Act, the Laboratory shall carry out the following functions, namely—

(*a*) analysis of samples of food sent by any officer or authority authorized by the Central Government for the purpose and submission of the certificate of analysis to the authorities concerned;

(*b*) investigation for the purpose of fixation of standard of any article of food ;

[8][(*c*) investigation, in collaboration with the laboratories of Public Analysts in the various States and such other laboratories and institutions which the Central Government may approve in this behalf for the purpose of standardising methods of analysis.]

[9][(2) The laboratory specified in column (1) of Table I below, shall carry out the functions entrusted to it by the Act or these rules in respect of the local areas specified in the corresponding entry in column (2) thereof :

[9a][TABLE I

Name of the Central Food Laboratory	Local Areas
(1)	(2)
1. Central Food Laboratory, Calcutta	Delhi, Gujarat, Karnataka, Maharashtra, Tamil Nadu and Union Territory of Pondicherry
2. Central Food Laboratory, Mysore	Goa, Jammu and Kashmir, Madhya Pradesh, Orissa, Rajasthan, West Bengal and Union Territories of Dadra & Nagar Haveli, Daman & Diu
3. Central Food Laboratory, Pune	Bihar, Haryana, Himachal Pradesh, Punjab, Uttar Pradesh and Union Territory of Chandigarh
4. Central Food Laboratory, Ghaziabad	Arunachal Pradesh, Assam, Andhra Pradesh, Kerala, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura and Union Territories of Andaman & Nicobar Islands and Lakshadweep.]

Provided that the laboratory specified in column (1) of Table II shall also carry out analysis of samples received under sub-section (2) of Section 6 of

7. *Renumbered* by Noti. No. GSR 70(E), dt. 8-2-1978 (w.e.f. 1-4-1978).
8. *Subs.* by Noti. No. GSR 1533, dt. 8-7-1968 (w.e.f. 24-9-1968).
9. *Subs.* by Noti. No. GSR 745(E), dt. 20-9-1985 (w.e.f. 21-3-1986).
9a. *Subs.* by Noti. No. GSR 777(E), dt. 5-12-1995 (w.e.f. 5-5-1996).

the Act in respect of the local areas specified in the corresponding entry in column (2) thereof.

TABLE II

	Name of the Central Food Laboratory	Local Areas
	(1)	(2)
1.	Central Food Laboratory, Calcutta-700016	Sea Ports of Calcutta, Paradip, Visakhapatnam, Port Blair and Airport of Calcutta and Air Cargo Complex, Calcutta, [9b][Indo-Nepal Border in Uttar Pradesh, Bihar, West Bengal, Indo-Bangladesh Border in West Bengal, Tripura, Meghalaya and Assam and Indo-Mayanmar Border in Mizoram and Nagaland.
2.	Central Food Laboratory, Ghaziabad-201001	Airport of Delhi and Attari Border, Amritsar.
3.	Central Food Laboratory, Mysore-570013	Sea Ports of Cochin, Madras, Mandapam Camp, New Tuticorin, Perambur, New Mangalore and Airports of Madras, Tiruchirapalli, Trivandrum, Bangalore.
4.	Central Food Laboratory, Pune-411001.	Sea Ports of Bombay, Kandla, Marmugoa and Airport of Bombay.]

4. Analysis of food samples.—[9c][(1)(*a*) Samples of food for analysis under sub-section (2) of Section 13 of the Act shall be sent either through a Messenger or by registered post in a sealed packet, enclosed together with a memorandum in Form I in an outer cover addressed to the Director.

(*b*) Samples of food for analysis under sub-section (2) of Section 6 of the Act or under clause (*a*) of Rule 3 shall be sent either through a Messenger or by registered post in a sealed packet enclosed together with a memorandum in Form I-A in an outer cover addressed to the Director.]

(2) The container as well as the outer covering of the packet shall be marked with a distinguishing number.

(3) A copy of the memorandum and a specimen impression of the seal used to seal the container and the cover shall be sent separately by registered post to the Director.

[9c][(4) On receipt of a package containing a sample for analysis the Director or an officer authorized by him, shall compare the seals on the container and the outer cover with specimen impression received separately and shall note the condition of the seals thereon].

(5) After test or analysis, the certificate thereof shall be supplied forthwith to the sender in Form II.

[10][(6) The fees payable in respect of such a certificate shall be [Rs 200][10a] per sample of food analysed.]

9b. *Ins.* by Noti. No. GSR 777(E), dt. 5-12-1995 (w.e.f. 5-5-1996).

9c. *Subs.* by Noti. No. 618(E), dt. 16-5-1988 (w.e.f. 16-11-1988).

10. *Subs.* by Noti. No. SRO 2755, dt. 20-11-1956.

10a. *Subs.* for "Rs 40" by Noti. No. GSR 91(E), dt. 24-2-1995 (w.e.f. 24-8-1995).

(7) Certificates issued under these rules by the Laboratory shall be signed by the Director.

NOTES

Violation of safeguards, provided in sub-rules (2) and (3) of Rule 4 and the mandatory requirements thereunder vitiates the trial. [*State of Maharashtra* v. *Syed Akhalak*, (1980) 1 FAC 145; *Gopinath Batra* v. *State of Maharashtra*, (1980) 1 FAC 112]. Where there is no evidence that the requirements of Rule 4(3) were complied with, conviction is not sustainable. [*Bhagwat Prasad* v. *State of U.P.*, (1981) 2 FAC 294 ; *State* v. *Ratan Gajraj Mehta*, (1981) 1 FAC 347]. Compliance with Rule 4(3) is mandatory. [*Mukund Ukha Shimpi* v. *Premji Durgarai Shah*, (1982) 2 FAC 88]. The finality to the certificate issued by the Director can attach only on the observance of the mandatory requirements of Section 13(2-B) of the Act and of Rule 4. [*Jayantilal T. Suratwala* v. *State of Maharashtra*, (1986) 1 FAC 2 : 1985 FAJ 89].

PART III

DEFINITIONS AND STANDARDS OF QUALITY

5. Standards of quality of the various articles of food specified in Appendix B to these rules are as defined in that appendix.

NOTES

Schedule is valid even if it mentions technical expressions which are not familiar to ordinary retail vendor. [*A.P. Grain Merchants* v. *Union of India*, (1970) 2 SCC 71 : 1970 SCC (Cri) 307].

Courts cannot alter or vary the standard fixed in Appendix B. Any article of food which does not conform to the standards specified in Appendix B will be said to be adulterated because the quality or purity of the article falls below the prescribed standard or its constituents are present in quantities which are in excess of the prescribed limits. [*Jagdish Prasad* v. *State of W.B.*, (1972) 1 SCC 326 : 1972 SCC (Cri) 63 : AIR 1972 SC 2044 : 1972 Cri LJ 1309].

Even when there is marginal deviation from the prescribed standard the article of food is adulterated. [*Mohan Datt* v. *State of H.P.*, (1986) 3 FAC 203 ; *State of Haryana* v. *Bahadur Chand*, 1987 Cri LJ 514 ; *Kamruddin* v. *State*, 1987 FAJ 539].

PART IV

PUBLIC ANALYSTS AND FOOD INSPECTORS

[11][**6. Qualification of Public Analyst.**—A person shall not be qualified for appointment as a public analyst unless he:

(1) holds a Master's Degree in Chemistry or Biochemistry or Food Technology or Microbiology or Food and Drugs from a University established in India by law or is an Associate of the Institution of Chemists (India) by examination in the section of Food Analysts conducted by the Institution of Chemists (India) or has an equivalent qualification recognised and notified by the Central Government for such purposes and has not less than three years' experience in the analysis of food ;

(2) has been declared qualified for appointment as a public analyst by a Board appointed and notified by the Central Government for such purposes:

Provided that a person who is a public analyst on the date of commencement† of these Prevention of Food Adulteration (Amendment) Rules, 1995 or who has worked as a public analyst for a period of three years before such commencement may hold office as such, subject to the terms and conditions of service applicable to him even though he does not fulfil the qualifications laid down in clauses (1) and (2) :

Provided further that a person who—

11. *Subs.* by Noti. No. GSR 91(E), dt. 24-2-1995 (w.e.f. 24-8-1995) as corrected by Noti. No. GSR 711(E), dt. 2-11-1995.

† August 24, 1995.

(*i*) holds a degree in science with Chemistry or Biochemistry or Food Technology or Food and Drugs from a University established in India by law or has an equivalent qualification recognised and notified by the Central Government for such purpose and has not less than five years of experience after graduation in the analysis of food, and

(*ii*) (*a*) has been declared qualified for appointment as a public analyst by a Board appointed and notified under clause (2) of this rule, prior to commencement of the Prevention of Food Adulteration (Amendment) Rules, 1995, or

(*b*) shall be declared qualified for appointment as a public analyst by a Board appointed and notified under clause (2) of this rule up to the period of 31-3-1997,

shall be eligible for appointment as public analyst, even though he does not fulfil the qualification laid down in clause (1).]

7. Duties of public analyst.—(1) On receipt of a package containing a sample for analysis from a Food Inspector or any other person the public analyst or an officer authorised by him shall compare the seals on the container and the outer cover with specimen impression received separately and shall note the condition of the seals thereon :

[11a][Provided that in case sample container received by the public analyst is found to be in broken condition or unfit for analysis he shall within a period of seven days from the date of receipt of such sample inform the Local (Health) Authority about the same and send requisition to him for sending second part of the sample.]

(2) The public analyst shall cause to be analysed such samples of articles of food as may be sent to him by Food Inspector or by any other person under the Act.

[12][(3) The public analyst shall, within a period of [13][forty days] from the date of receipt of any sample for analysis, [14][send by registered post or by hand] to the Local (Health) Authority a report of the result of such analysis in Form III :

Provided that where any such sample does not conform to the provisions of the Act or these rules, the public analyst shall [14][send by registered post or by hand] four copies of such report to the said Authority :

Provided further that the public analyst shall forward a copy of such report also to the person who purchased an article of food and forwarded the same to him for analysis under Section 12 of the Act.]

[14a][**Note.**—In case of sample received under the proviso of Rule 7(1) or Rule 9-A, the period of forty days shall be counted from the date of receipt of the second part of the sample.]

COMMENT

Sub-rule (2) requires the Public Analyst "to cause the sample to be analysed". The Public Analyst may either analyse the sample himself or have it analysed by his subordinate. In *Babulal Hargovindas* v. *State of Gujarat*, (1971) 1 SCC 767 : 1971 SCC (Cri) 337, the

11a. *Ins.* by Noti No. GSR 91(E), dt. 24-2-1995 (w.e.f. 24-8-1995).

12. *Subs.* by Noti No. GSR 4(E), dt. 4-1-1977 (w.e.f. 4-1-1977).

13. *Subs.* for "forty-five days" by Noti. No. GSR 500(E), dt. 9-7-1984 (w.e.f. 9-7-1984).

14. *Subs.* by Noti. No. GSR 422(E), dt. 29-4-1987 (w.e.f. 29-4-1987).

14a. *Ins.* by Noti. No. GSR 91(E), dt. 24-2-1995 (w.e.f. 24-8-1995) as corrected by GSR 711(E), dt. 2-11-1995.

Supreme Court has held that there is no inconsistency between Section 19(1) and this sub-rule and that the sub-rule is within the rule making power of the Central Government under Section 23(1)(*e*).

A report of a Public Analyst which is not in the prescribed form as required by law, is not admissible in evidence without examining the Public Analyst. [*Mangilal* v. *State of Gujarat*, 1975 Cri LJ 614; *Municipal Board, Faizabad* v. *Lalchand*, AIR 1964 All 199, *dissented from*. See also *Administrator, Silliguri Municipality* v. *Hiralal Goala*, 1973 Cri LJ 1856 (Cal)]. What the Public Analyst is required by the form prescribed under Rule 7 to do, is to certify that he analysed the sample sent to him and found the result of the analysis mentioned in the report (Form). The absence of the details of the analysis is not fatal to the prosecution. [*State of Bombay* v. *Ramen Lal Jamna Das Gandhi*, ILR 1960 Bom 404]. In any case, even if the report was not on the prescribed form as required by Section 13, the report submitted was a document purporting to be a report signed by the Public Analyst and as such was evidence of facts stated therein. [*Municipal Board, Faizabad* v. *Lalchand*, 1965 ALJ 1012: AIR 1964 All 199: 1965 (1) Cri LJ 502]. It is not necessary to examine the Public Analyst if the report submitted by him discloses full factual data concerning the analysis. The absence of his opinion would not affect the evidentiary value of the report. However, the record must show that Rules 7 and 8 were duly complied with. [*State* v. *Shantaben*, AIR 1964 Guj 136: 1964 (2) Cri LJ 32]. Where the acts of sampling, sealing and forwarding of sample by the Food Inspector and the act of ascertaining the seal to be intact by the Public Analyst were proved, the Court may presume that the acts were performed in accordance with the prescribed procedure. [*Food Inspector, Cannanore Municipality* v. *Pandalappil Kannan*, AIR 1966 Ker 70: 1966 Cri LJ 416].

[15][8. **Qualifications for Food Inspector**.—A person shall not be qualified for appointment as Food Inspector unless he—

(*a*) is a medical officer in charge of health administration of a local area; or

(*b*) is a graduate in medicine and has received at least one month's training in food inspection and sampling work approved for the purpose by the Central Government or a State Government; or

(*c*) is a graduate in Science with Chemistry as one of the subjects or is a graduate in Agriculture or Public Health or Pharmacy or in Veterinary Science or a graduate in Food Technology or Dairy Technology or is a diploma holder in Food Technology or Dairy Technology from a University or Institution established in India by law or has equivalent qualifications recognised and notified by the Central Government for the purpose and has received three months' satisfactory training in food inspection and sampling work under a Food (Health) Authority or in an institution approved for the purpose by the Central Government:

Provided that the training in food inspection and sampling work obtained prior to the commencement[16] of [17][Rule 3 of Prevention of Food Adulteration (Fourth Amendment) Rules, 1976], in any of the laboratories under the control of—

(*i*) a public analyst appointed under the Act; or

(*ii*) a fellow of the Royal Institute of Chemistry of Great Britain (Branch E); or

(*iii*) any Director, Central Food Laboratory;

or

the training obtained under a Food (Health) Authority, prior to the commencement of the Prevention of Food Adulteration

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15. *Subs.* by Noti. No. GSR 244, dated 18-2-1980 (w.e.f. 1-3-1980).

16. Oct. 2, 1976 *vide* Rule 1(2) of PFA (Fourth Amendment) Rules, 1976: GSR 1417, dated 20-9-1976: 1976 CCL-III-302.

17. *Subs.* by Noti. No. GSR 268(E), dated 16-3-1983 (w.e.f. 16-3-1983).

(Amendment) Rules, 1980, shall be considered to be equivalent for the purpose of the requisite training under these rules :

[17][Provided further that a person who is a qualified Sanitary Inspector having experience as such for a minimum period of one year and has received at least three months training in whole or in parts in food inspection and sampling work, may be eligible for appointment as food inspector, upto the period ending on the 31st March, 1985 and may continue as such if so appointed even though he does not fulfil the qualifications laid down in clauses (*a*) to (*c*) :]

Provided also that nothing in this rule shall be construed to disqualify any person who is a food inspector on the commencement† of these Prevention of Food Adulteration (Amendment) Rules, 1980 from continuing as such after such commencement.]

Notes

Where the Food Inspector who took the sample of food did not have the requisite training it would be dangerous to convict the accused in respect of the sample taken. [*State v. Chidambaram*, 1988 FAJ 76].

9. Duties of Food Inspector.—It shall be the duty of the food inspector—

(*a*) to inspect as frequently as may be prescribed by the Food (Health) Authority or the local authority all establishments licensed for the manufacture, storage or sale of an article of food within the area assigned to him ;

(*b*) to satisfy himself that the conditions of the licences are being observed ;

(*c*) to procure and send for analysis, if necessary, samples of any articles of food which he has reason to suspect are being manufactured, stocked or sold or exhibited for sale in contravention of the provisions of the Act or rules thereunder ;

(*d*) to investigate any complaint which may be made to him in writing in respect of any contravention of the provision of the Act, or rules framed thereunder ;

(*e*) to maintain a record of all inspections made and action taken by him in the performance of his duties, including the taking of samples and the seizure of stocks, and to submit copies of such record to the health officer or the Food (Health) Authority as directed in this behalf ;

(*f*) to make such enquiries and inspections as may be necessary to detect the manufacture, storage or sale of articles of food in contravention of the Act or rules framed thereunder ;

(*g*) to stop any vehicle suspected to contain any food intended for sale or delivery for human consumption ;

(*h*) when so authorised by the health officer, having jurisdiction in the local area concerned or the Food (Health) Authority, to detain imported packages which he has reason to suspect contain food, the import or sale of which is prohibited ; [18][* * *]

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† March 1, 1980.

18. *Omitted* by Noti. No. GSR 1533, dated 8-7-1968.

(*i*) to perform such other duties as may be entrusted to him by the health officer having jurisdiction in the local area concerned [18a][or Local (Health) Authority] or the Food (Health) Authority ;

(*j*) [19][* * *]

[19a][**9-A. Sending of sample by Local (Health) Authority**.—(*a*) Local (Health) Authority shall within a period of seven days of receipt of requisition for second part of the sample from public analyst under the proviso of Rule 7(1), send such sample to the public analyst.

(*b*) Local (Health) Authority, while sending second part of the sample under the provision of sub-section (2-E) of Section 13 of the Act, shall do so within a period of 20 days from the date of receipt of the report from the first public analyst.]

[20][[20a][**9-B.**] **Local (Health) Authority to send report to person concerned**.—The Local (Health) Authority shall [21][within a period of ten days] after the institution of prosecution forward a copy of the report of the result of analysis in Form III delivered to him under sub-rule (3) of Rule 7, by registered post or by hand, as may be appropriate, to the person from whom the sample of the article was taken by the Food Inspector, and simultaneously also to the person, if any, whose name, address and other particulars have been disclosed under Section 14-A of the Act :

Provided that where the sample conforms to the provisions of the Act or the rules made thereunder, and no prosecution is intended under sub-section (2), or no action is intended under sub-section (2-E) of Section 13 of the Act, the Local (Health) Authority shall intimate the result to the vendor from whom the sample has been taken and also to the person, whose name, address and other particulars have been disclosed under Section 14-A of the Act, within 10 days from the receipt of the report from the Public Analyst.]

NOTES

In *Tulsiram* v. *State of M.P.*, (1984) 4 SCC 487 : 1985 SCC (Cri) 4]. See also *Guruddin Vaiju Patel* v. *State of Maharashtra*, 1987 (1) FAC 279 where the Supreme Court has held :

"The expression 'immediately' in Rule 9-A is intended to convey a sense of continuity rather than urgency. What must be done is to forward the report to the person from whom the sample was taken at the earliest opportunity, so as to facilitate the exercise of the statutory right under Section 13(2) in good and sufficient time before the prosecution commences leading evidence. Non-compliance with Rule 9-A is not fatal. It is a question of prejudice."

It has further observed :

"The real question is, was the Public Analyst's Report sent to the accused sufficiently early to enable him to properly defend himself by giving him an opportunity at the outset to apply to the court to send one of the samples to the Central Food Laboratory for analysis? If after receiving the Public Analyst's Report he never sought to apply to the Court to have the sample sent to the Central Food Laboratory, as in the present case, he may not be heard to complain of the delay in the receipt of the report by him, unless of course, he is able to establish some other prejudice." [*State of H.P.* v. *Liakat Ali*, 1987 (2) FAC 133 ; *Revta* v. *State*, 1988 (1) FAC 20].

[22][**10. Forms of order not to dispose of stock and of bond**.—Where the food inspector keeps any article of food in the safe custody of the vendor under sub-section (4) of Section 10—

(*a*) he shall, after sealing such article of food, make an order to the vendor in Form IV and the vendor shall comply with such an order, and

(*b*) he may require the vendor to execute a bond in Form IV-A.]

11. Form of receipt for food seized by a food inspector.—For every article of food seized and carried away by food inspector under sub-section (4) of Section 10 of the Act, a receipt in Form V shall be given by the food inspector to the person from whom the article was seized.

18a. *Ins.* by Noti. No. GSR 91(E), dt. 24-2-1995 (w.e.f. 24-8-1995) as corrected by Noti. No. GSR 711(E) dt. 2-11-1995.

19. *Omitted* by Noti. No. GSR 4(E), dt. 4-1-1977 (w.e.f. 4-1-1977).

19a. *Ins.* by Noti. No. GSR 91(E), dt. 24-2-1995 (w.e.f. 24-8-1995).

20. *Ins.* by Noti. No. GSR 4(E), dt. 4-1-1977, (w.e.f. 4-1-1977).

20a. Original Rule 9-A *renumbered* as 9-B by Noti. No. GSR 91(E), dt. 24-2-1995 (w.e.f. 24-8-1995).

21. *Subs.* by Noti. No. GSR 500(E), dt. 9-7-1984 (w.e.f. 9-7-1984).

22. *Subs.* by Noti. No. GSR 1533, dt. 8-7-1968.

[23][12. **Notice of intention to take sample for analysis**.—When a Food Inspector takes a sample of an article for the purpose of analysis, he shall give notice of his intention to do so in writing in Form VI, then and there, to the person from whom he takes the sample and simultaneously, by appropriate means, also to the persons if any, whose name, address and other particulars have been disclosed under Section 14-A of the Act :]

[24][Provided that in case where a food inspector draws a sample from an open container, he shall also draw as ample from the container in original condition of the same article bearing the same declaration, if such container is available, and intimate this fact to the Public Analyst.]

Notes

A notice shall be given to the person from whom the sample has been purchased. It would be sufficient compliance of law if notice addressed to the proprietor is actually handed over to the person from whom the samples were purchased. [*Nagar Mahapalika, Lucknow* v. *Afaq Hussain Altaf Hussain*, AIR 1962 All 517 (DB) : 1962 (2) Cri LJ 593.

[25][12-A. **Warranty**.—Every manufacturer, distributor or dealer selling an article of food to a vendor shall give either separately or in the bill, cash memo or [1][label], a warranty in Form VI-A.]

Notes

If traders use ordinary language of the trade or popular language in warranties, the object of the rule will be met. [*K. Rangnatha Reddiar* v. *State of Kerala*, (1969) 2 SCC 457]. A warranty is enjoined in both the cases in Section 19(2)(*a*)(*i*) and (*ii*). The warranty in prescribed form is a safeguard to the vendor when that article has been purchased from a licensed dealer or from any manufacturer, distributor or dealer. [*Rajaldas Pamanani* v. *State of Maharashtra*, (1975) 3 SCC 375 : 1975 SCC (Cri) 1]. If the goods seized is covered by a warranty (under the old Rule 12-A *i.e.*, before amendment of 1968) the notice of warranty may be served afterwards also, *i.e.*, not necessarily at the time of seizure but even after the prosecution has been launched. [*Nath Mal Patodi* v. *Corporation of Calcutta*, AIR 1967 Cal 150 : 1967 Cri LJ 347].

[2][12-B. **Form of nomination of Director or Manager and his consent, under Section 17**.—(1) A company may inform the Local (Health) Authority of the concerned local area, by notice in duplicate, in Form VIII containing the name and address of the Director or Manager, who has been nominated by it under sub-section (2) of Section 17 of the Act to be in charge of, and responsible to, the company for the conduct of the business of the company or any establishment, branch or unit thereof :

Provided that no such nomination shall be valid unless the Director or Manager who has been so nominated, gives his consent in writing and has affixed his signature, in Form VIII in duplicate in token of such consent.

(2) The Local (Health) Authority shall sign and return one copy of the notice in Form VIII to the company to signify the receipt of the nomination and retain the second copy in his office for record.

Notes

Under Section 17(2) a Company, Firm etc. may appoint any of its directors etc. to be in charge of taking steps to prevent commission of any offence by the company etc. in such form and in such manner as may be prescribed. Rule 12-B prescribes the Form (VIII) and the manner in which this may be done.

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23. *Subs.* by Noti. No GSR 4(E), dated 4-1-1977 (w.e.f. 4-1-1977).
24. *Ins.* by Noti. No. GSR 590(E), dated 23-12-1978 (w.e.f. 23-12-1978).
25. *Subs.* by Noti. No. GSR 1533, dated 8-7-1968.
1. Corrected by Corrigenda GSR 2163, dated 2-12-1968.
2. *Ins.* by Noti. No. GSR 4(E), dated 4-1-1977 (w.e.f. 4-1-1977).

Rule 12-B and Form VIII contemplate the nomination of a single person only. The prosecutor must find out before the trial if any such nomination has been made; the question cannot be left to be determined subsequently at the trial. [*Benowarilal Tibrewalla* v. *State of Assam*, 1986 (1) FAC 184 : 1985 Cri LJ 1148].

12-C. Vendor to disclose name and address of Director/Manager in certain circumstances.—Every vendor of an article of food shall disclose the name and address of the Director or Manager, as the case may be, nominated in Form VIII under Rule 12-B to a purchaser who informs such vendor of his intention of purchasing any such article from him for analysis by a public analyst under Section 12 of the Act.]

Notes

Section 14-A requires a vendor of an article of food to disclose, if required, to the Food Inspector, the name, address and other particulars of the person from whom he purchased the article. Rule 12-C requires the vendor to disclose to a purchaser the name and address of the person nominated in Form VIII under Rule 12-B.

13. Power of food inspector to deal with carriers of disease handling food.—(1) Where the food inspector is of the opinion that any person engaged in selling or manufacturing any article of food is suffering from or harbouring the germs of any infectious disease, he may examine or cause to be examined such person :

Provided that where such person is a female above the age of eight years she shall be examined by a woman duly authorised by the food inspector.

(2) If on such examination the food inspector finds that such person is suffering from any such disease, he may by order in writing direct such person not to take part in selling or manufacturing any article of food.

Part V

SEALING, FASTENING AND DESPATCH OF SAMPLES

14. Manner of sending samples for analysis.—Samples of food for the purpose of analysis shall be taken in clean dry bottles or jars or in other suitable containers which shall be closed sufficiently tight to prevent leakage, evaporation, or in the case of dry substance, entrance of moisture and shall be carefully sealed.

Notes

A duty is cast upon the prosecution not only to comply with this mandatory provision of law by using clean and dry bottles for storing the sample, but also leading evidence at the trial court that the bottle used were clean and dry. [*Jagdish Chander* v. *State of Punjab*, (1980) 2 FAC 323 ; *Lachhman Dass* v *State of Punjab*, 1972 FAC 752]. Where the prosecution failed to prove that there was a compliance with Rule 14, order of acquittal was confirmed. [*State of Maharashtra* v. *Ram Murat Dube*, (1979) 1 FAC 282]. Where the Food Inspector did not care to examine the witness who had accompanied him but the same witness was examined by the defenoe to prove that he had not seen the empty bottles at all and was asked to sign only after they were filled up and labelled, it was held that the accused was entitled to benefit of doubt. [*B.A. Sawant* v. *State*, 1969 Cri LJ 1344 : AIR 1969 Bom 353].

Rule 14 is mandatory and not directory. [*Radheysham Agarwalla* v. *State of Assam*, 1988 (1) FAC 44]. It is the duty of the prosecution to prove by leading positive evidence that the bottles were clean and dry before the sample was poured into them. It is the duty of the prosecution to prove beyond reasonable doubt, all the ingredients or provisions that are to be proved as per law and specially the provisions which are mandatory in nature have got to be proved beyond reasonable doubt. It cannot be contended by the prosecution that the statement of the accused signed by him, would show that the bottles were dry and clean and with this statement and signature the prosecution is absolved of its duty to prove that

the provisions of Rule 14 were complied with. [*Municipal Council, Sri Ganganagar* v. *Naresh Kumar*, (1972) 2 FAC 121].

15. Bottles or containers to be labelled and addressed.—All bottles or jars or other containers containing samples for analysis shall be properly labelled and the parcels shall be properly addressed. The label on any sample of food sent for analysis shall bear :—

[3][(*a*) Code number and serial number of the Local (Health) Authority ;]

(*b*) Name of the sender with official designation, if any ;

(*c*) [3a][* * *] ;

(*d*) Date and place of collection ;

(*e*) Nature of article submitted for analysis ;

(*f*) Nature and quantity of preservative, if any, added to the sample :

[4][Provided that in the case of a sample of food which has been taken from Agmark sealed container, the label shall bear the following additional information :—

(*a*) Grade ;

(*b*) Agmark label No./Batch No. ;

(*c*) Name of packing station.]

Notes

It is not every non-compliance of a rule that can be held to be fatal to the prosecution nor the mere fact that Rule 15 uses the word "shall" does it necessarily make mandatory. [*Sardar Singh Bawa* v. *State*, (1973) 75 PLR 85 (D).] Where the sample of milk purchased by the Food Inspector was bottled and labelled as 'Milk' only without indicating whether it was cow's or buffalo's or goat's milk, as the vendor had not indicated whose milk it was and the sample was judged by the standard of buffalo's milk, it was held that it could not be said that Rule 15(*e*) was not complied with. [*State* v. *Zalim Lonia*, 1960 ALJ 156 : AIR 1960 All 64 : 1968 Cri LJ 183.] Rule 15 is directory and not mandatory. The word 'shall' is not decisive of the nature of the rule and as such the conviction would not be illegal due to non-compliance thereof. [*Kamal Singh* v. *State*, 1957 ALJ 89 : 1957 AWR (HC) 385]. In the Act or the Rules framed thereunder there is no provision for taking the signature of the accused or of the witnesses on the bottle containing the sample. It may well be a measure of caution but failure to do so will not affect the case. [*Dr. M. K. Banerji* v. *Baiju Lal*, AIR 1968 Pat 143 : 1968 Cri LJ 543].

16. Manner of packing and sealing the samples.—All samples of food sent for analysis shall be packed, fastened and sealed in the following manner namely :—

(*a*) The stopper shall first be securely fastened so as to prevent leakage of the contents in transit.

(*b*) The bottle, jar or other container shall then be completely wrapped in fairly strong thick paper. The ends of the paper shall be neatly folded in and affixed by means of gum or other adhesive.

[5][(*c*) A paper slip of the size that goes round completely from the bottom to top of the container, bearing the signature and code and serial number of the Local (Health) Authority, shall be pasted on the wrapper, the signature or the thumb impression of the

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3. *Subs.* by Noti. No. GSR 293(E), dated 23-3-1985 (w.e.f. 24-9-1985).

3a. *Omitted* by Noti. No. GSR 618(E), dated 16-5-1988 (w.e.f. 16-11-1988).

4. *Ins.* by Noti. No. GSR 74, dated 31-12-1965.

5. *Ins.* by Noti. No. GSR 4(E), dated 4-1-1977 (w.e.f. 4-1-1977).

person from whom the sample has been taken being affixed in such a manner that the paper slip and the wrapper both carry a part of the signature or thumb impression :

Provided that in case, the person from whom the sample has been taken refuses to affix his signature or thumb impression, the signature or thumb impression of the witness shall be taken in the same manner.]

[6][(*d*)] The paper covered shall be further secured by means of strong twine or thread both above and across the bottle, jar or other container, and the twine or thread shall then be fastened on the paper cover by means of sealing wax on which there shall be at least four distinct and clear impressions of the seal of the sender, of which one shall be at the top of the packet, one at the bottom and the other two on the body of the packet. The knots of the twine or thread shall be covered by means of sealing wax bearing the impression of the seal of the sender.

NOTES

Rules 16(*b*) and 16(*c*) are framed to ensure despatch of the sample to the analyst without tampering. If there are loose ends the object of the Rules will be defeated and frustrated. A rigid and hypertechnical compliance of the Rules is not required and substantial compliance is sufficient. [*Sathi Appi Reddy* v. *State of A.P.*, 1987 FAJ 264].

It is incumbent on the Food Inspector to completely wrap the container by means of strong paper, the ends of which should be neatly folded in and affixed by gum or other adhesive. Where the packing and sealing of the samples is in contravention of the Rules the prosecution must fail. [*Prasant Kumar Sah* v. *State of Bihar*, 1987 FAJ 276].

What clause (*d*) requires is that there should be at least four seals, one on the top, one on the bottom and other two on the body of the packet. It does not contemplate a separate or distinct seal on the knots. One of the aforesaid four seals may also cover the knots of twine or thread, and if that is done, the requirement of clause (*d*) would be met. Knots of the twine or thread could be separately covered also by means of sealing wax bearing the impressions of the seal of the sender, but it cannot be said that unless there is a separate or distinct seal covering the knots, the requirements of clause (*d*) of Rule 16 could not be said to have been complied with. [*State of Gujarat* v. *Khodaji Jinaji*, (1980) 2 FAC 289].

[7][**17. Manner of despatching containers of samples.**—The containers of the samples shall be despatched in the following manner, namely :—

(*a*) the sealed container of one part of the sample for analysis and a memorandum in Form VII shall be sent in a sealed packet to the public analyst immediately but not later than the succeeding working day by any suitable means.

(*b*) The sealed containers of the remaining two parts of the sample and two copies of the memorandum in Form VII shall be sent in a sealed packet to the Local (Health) Authority immediately but not later than the succeeding working day by any suitable means.

[7a][(*c*) The sealed container of one of the remaining two parts of the sample and a copy of the memorandum in Form VII kept with the Local (Health) Authority shall within a period of 7 days be sent to the Public Analyst on requisition made by him to it by any suitable means:]

Provided that in the case of a sample of food which has been taken from a container bearing Agmark seal, the memorandum in Form VII shall contain the following additional information, namely:

(*a*) Grade ;

(*b*) Agmark label No./Batch No. ;

(*c*) Name of packing station.]

6. *Renumbered* by Noti. No. GSR 4(E), dt. 4-1-1977 (w.e.f. 4-1-1977).

7. *Subs.* by Noti. No. GSR 4(E), dt. 4-1-1977 (w.e.f. 4-1-1977).

7a. *Ins.* by Noti. No. GSR 91(E), dt. 24-2-1995 (w.e.f. 24-8-1995) as corrected by Noti. No. GSR 711(E), dt. 2-11-1995.

NOTES

Rules 17 requires that—

(*i*) one part of the sample duly packed and sealed shall be sent to the Public Analyst ;

(*ii*) two parts of the sample duly packed and sealed shall be sent to the Local (Health) Authority ;

(*iii*) each part of the sample shall be accompanied by a copy of the memorandum in Form VII in the sealed packet ; and

(*iv*) the samples shall be sent in each case immediately but not later than the succeeding working day.

Each one of these requirements must be fulfilled by the Food Inspector.

The provisions of Rule 17 are mandatory. If the Public Analyst does not find the sample in accordance with Rules 17 and 18 or finds any provisions of the Rules violated he will not examine the sample. The purpose of the Rules is to ensure the identity of the sample till it reaches the Public Analyst. [*State of Haryana* v. *Isher Dass*, (1985) 2 FAC 1 (FB) : 1985 Cri LJ 1061 : 1985 PLR 341 : 1985 FAJ 541].

[8][**18. Memorandum and impression of seal to be sent separately.**—A copy of the memorandum and specimen impression of the seal used to seal the packet shall be sent, in a sealed packet separately to the Public Analyst by any suitable means immediately but not later than the succeeding working day.]

NOTES

When Rules 7, 17 and 18 are studied together, it becomes manifest that the rule-making authority wanted to ensure the identity of the sample and for that reason provided measures for cross-checking the same. This was sought to be achieved by insisting on the copy of the memorandum and the facsimile of the seal being sent separately and the Public Analyst also certifying to that effect in his report in Form III. [*State of Punjab* v. *Bhagwan Dass Jain*, (1981) 1 FAC 291 (FB) : 1981 Cri LJ 48 : 1981 FAJ 86].

In *State of Haryana* v. *Isher Dass*, [(1985) 2 FAC 1 (FB) : 1985 Cri LJ 1061 : 1985 FAJ 541 : 1985 PLR 341] it was held that Rules 17 and 18 are interlinked and are part of the same scheme and both rules are mandatory.

19. Addition of preservatives to samples.—Any person taking a sample of any food for the purpose of analysis under the Act may add a preservative as may be prescribed from time to time to the sample for the purpose of maintaining it in a condition suitable for analysis.

Rules 19, 20 and 21 deal with the addition of preservatives to samples of food taken by the Food Inspector. Rule 19 permits the Food Inspector to add a prescribed preservative to the sample but does not make it obligatory on him to do so.

20. Preservative in respect of milk, cream [9][, [10][**dahi,** [10a][**khoa or khoa-based and paneer-based sweets, such as Kalakand and Burfi, Chutney and prepared foods,**]]] [10b][**gur ; prepared coffee and prepared tea**].—The preservative used in the case of samples of any milk [11][(including toned, separated and skimmed milk)] [9][standardised milk chhanna, skimmed milk chhanna], [12][cream, [* * *][12a], ice candy, [10][dahi, [10a][khoa or khoa-based and paneer-based sweets, such as Kalakand and Burfi, Chutney and prepared foods,]]) [10b][gur ; prepared coffee and prepared tea]] in liquid or semi-liquid form shall be the liquid commonly known as "formalin" that is to say, a liquid

8. *Subs.* by Noti. No. GSR 293(E), dt. 23-3-1985 (w.e.f. 24-9-1985).
9. *Ins.* by Noti. No. GSR 74, dt. 31-12-1965.
10. *Subs.* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-5-1974).
10a. *Subs.* by Noti. No. 764(E), dt. 7-9-1990 (w.e.f. 7-12-1990).
10b. *Subs.* by Noti. No. GSR 729(E), dt. 23-8-1990 (w.e.f. 23-8-1990).
11. *Subs.* by Noti. No. GSR 169, dt. 2-2-1961.
12. *Subs.* by Noti. No. GSR 1564, dt. 17-11-1962.
12a. The words "ice-cream, mixed ice-cream" *omitted* by Noti. No. GSR 579(E), dt. 4-8-1995 (w.e.f. 2-11-1995).

containing about 40 per cent of formaldehyde in aqueous solution in the proportion of [13][0.1 ml. (two drops) for 25 ml. or 25 grams] :

[13a][Provided that in case of samples of ice-cream and mixed ice-cream, the preservative used shall be the liquid commonly known as formalin, that is to say, a liquid containing about 40 per cent of formaldehyde in aqueous solution in the proportion of 0.6 ml for 100 ml or 100 gms.]

NOTES

Rule 20 prescribed that the preservative which may be added to samples of milk, etc. shall be formalin. Neither Rule 19 nor Rule 20 compels the Food Inspector to add any preservative to samples of milk etc.

Formalin is a 40% solution of formaldehyde in water.

The preservative effect of formalin depends upon its concentration. Up to a particular concentration the preservative effect will increase, but after that it will remain about the same. Two drops (of 40 per cent solution) of formalin to one ounce is about the margin. Two drops to a pint is about 1/20 of two drops to one ounce so that it is perfectly conceivable that the degree of 'formalination' in the former event is insufficient to preserve the sample for more than a few days, while that in the latter is sufficient to preserve it for several months. [*State of M.P.* v. *Nand Ram*, 1971 MP LJ 485].

The articles of food mentioned in Rule 20 decompose quickly and if this is to be prevented and the articles are to be kept fit till they are analysed the prescribed preservative viz. formalin has to be added to the same in the required quantity. If no preservative is added the article is likely to decompose before the time it is analysed by the Public Analyst and is bound to decompose by the time it is analysed by the Central Food Laboratory. Therefore, where no preservative is added at all the prosecution is likely to fail.

But where formalin is added but not in the required quantity or of the required strength, then it will depend on the state of the sample whether it is or is not fit for analysis whether the non-compliance with Rule 20 is or is not fatal to the prosecution. The provisions of Rule 20 are directory in nature, and where the sample has been found fit for analysis, the report of the Public Analyst cannot be disregarded though there is no strict compliance with the requirements of Rule 20. [*City of Nagpur Corporation* v. *Sukhanandan*, 1972 Cri LJ 535 (Bom) ; *G.H. Rabari* v. *S.V. Pandya*, AIR 1970 Guj 235 : 1970 Cri LJ 1475 ; *Jugsalai Municipality* v. *Mukhram*, AIR 1969 Pat 155: 1969 Cri LJ 638 ; *Manka Hari* v. *State*, AIR 1968 Guj 88 : *Public Prosecutor* v. *Pasala Rama Rao*, AIR 1967 AP 49 : 1967 Cri LJ 154 and *Public Prosecutor* v. *Venkataswami*, AIR 1967 AP 131 : 1967 Cri LJ 603, *followed*. See also *F.I.* v. *K. Coop. Society*, 1978 Cri LJ 532 (Ker)]. Rule 20 is not so rigid or mandatory that a small deviation about the quantity of formalin to be added will be fatal to the prosecution.

Prejudice must be shown when there is delay in examination of a sample to which preservative was added. [(1979) 2 SCC 202 : 1979 SCC (Cri) 246].

Milk.—In case of cow's milk to which necessary quantity of formalin had been added and which had been kept in normal circumstances the sample retains its character and is capable of being usefully analysed for a period of about ten months. [*Babboo* v. *State*, 1970 Cri LJ 196 : AIR 1970 All 122 ; *Net Ram* v. *State*, 1968 ALJ 916 not correctly decided]. Where in a case of sample of milk, formalin was not added to the sample and there was a considerable delay in the analysis, it could not be presumed that requirements of the rule were satisfied. [1964 MLJ (Cri) 660]. Where the formalin added to the sample of milk was not of the same strength as prescribed, it was the duty of the prosecution to show that the formalin added was sufficient to prevent disintegration. [*Nandu Ram Kotu Ram* v. *State*, (1962) 2 Cri LJ 579 *overruled* in AIR 1965 Punj 328].

Curd.—It is the duty of the prosecution to tell the court where and under what temperature that sample of the curd was kept till it was analysed by the Public Analyst. It is also the duty of the prosecution to indicate the strength of the preservative put in the bottle. [*Babu Ram* v. *State of Punjab*, 1972 Cur LJ 351].

Khoa.—Formalin is required to be mixed with khoa when it is in a liquid or semi-liquid form. Khoa barfi is neither in liquid nor in semi-liquid form. Therefore this rule will not be applicable to khoa barfi. A similar view has been expressed by the Delhi High Court in *Nand Kishore* v. *State*, [1979 (1) FAC 20] therein also it has been held that Khoa Pera is neither liquid nor semi-liquid. No preservative is separately prescribed under the rules for Khoa Pera.... Pera contained sugar which itself was its preservative. Moreover what was to be examined by the Public Analyst or the Central Food Laboratory was the presence of an unpermitted coal tar dye and certainly no preservative has been

13. *Subs.* by Noti. No. GSR 74, dt. 31-12-1965.

13a. *Ins.* by Noti. No. GSR 579(E), dt. 4-8-1995 (w.e.f. 2-11-1995).

prescribed in the rules against possible disintegration of the dye due to lapse of time... the grievance in respect of violation of the rules is unfounded. [(1980) 1 FAC 430].

21. Nature and quantity of the preservative to be noted on the label.— Whenever any preservative is added to a sample, the nature and quantity of the preservative added shall be clearly noted on the label to be-affixed to the container.

[14][**22. Quantity of sample to be sent to the public analyst.**—The quantity of sample of food to be sent to the public analyst/Director for analysis shall be as specified below :

	Article of food	Approximate quantity to be supplied
1.	Milk	[15][250 ml.]
2.	Ghee	150 grams
3.	Butter	150 grams
4.	Khoa	250 grams
5.	Dahi	200 grams
6.	Edible oils	125 grams
7.	Edible fats	125 grams
8.	Tea	125 grams
9.	Atta	200 grams
10.	Wheat flour	200 grams
11.	Gur	200 grams
12.	Cane sugar	200 grams
13.	Honey	250 grams
14.	Prepared food	500 grams
15.	[16][Carbonated water]	600 ml.
16.	Vanaspati	500 grams
17.	Spices	150 grams
18.	Fruit and vegetable products, jams, jellies and the like	300 grams
19.	Pulses, cereals and the like	250 grams
20.	(1) Asafoetida	100 grams
	(2) Compounded Asafoetida	200 grams
21.	Saffron	15 grams
22.	Ice-cream and mixed ice-cream	[17][300] grams
[18][22-A.	Silver leaf (Food grade)	1 gram]

14. *Subs.* by Noti. No. GSR 1340, dt. 24-10-1961.
15. *Subs.* by Noti. No. GSR 550(E), dt. 4-7-1985 (w.e.f. 5-7-1986).
16. *Subs.* by Noti. No. GSR 74, dt. 31-12-1965.
17. *Subs.* by Noti. No. GSR 1533, dt. 8-7-1968.
18. *Ins.* by Noti. No. GSR 992, dt. 4-6-1971.

[19][23.	Bread, toasts	500 grams]
24.	Biscuits, cakes, pastries and allied products . .	500 grams
25.	Toffee, chocolate, hard boiled sugar confectionery and allied articles of food . .	300 grams
26.	Custard powder	250 grams
27.	Cornflakes	200 grams
28.	Baby food	450 grams
29.	Prepared tea for saccharine and colour . .	250 mL (grams)
30.	Besan (gram powder)	200 grams
31.	Cream	250 grams
32.	[20][Milk powder, skimmed milk powder, partly skimmed milk powder, malted milk food and such other powders containing milk as major ingredient]	250 grams
33.	Condensed milk	250 grams
34.	Curry powder	300 grams
35.	Cheese	200 grams
36.	Syrup	250 grams
[21][37].	Foods (not specified)	[21a][500 grams]

NOTES

Rule 22 prescribes the approximate quantity of the sample of various articles of food that have to be sent for analysis. Items 1 to 36 specify particular items and Item 37 is the residuary item for foods not specified in Items 1 to 36.

In *Rajaldas G. Pamnani* v. *State of Maharashtra*, (1976) 3 SCC 375 : 1975 SCC (Cri) 1 : 1975 Cri LJ 254] the Supreme Court held that the provisions of Rule 22 were mandatory and if a lesser quantity then prescribed was sent for analysis to the Public Analyst it not only caused infraction of the Rule but also injustice. Conviction on the basis of the report of the Public Analyst in such a case was not proper.

The decision in *Rajaldas G. Pamnani's case* was overruled by the Supreme Court in *State of Kerala* v. *Alassery Mohammed*, [(1978) 2 SCC 386 : 1978 SCC (Cri) 198 : 1978 Cri LJ 925] where it was held that Rule 22 was directory and not mandatory. The Court observed :

> "It would thus be seen that the whole object of Section 11 and Rule 22 is to find out by a correct analysis, subject to further verification and tests by the Director of the Central Laboratory or otherwise, as to whether the sample of food is adulterated or not. If the quantity sent to the Public Analyst, even though it is less than that prescribed, is sufficient and enables the Public Analyst to make a correct analysis, then merely because the quantity sent was not in strict compliance with the Rule will not result in the nullification of the report and obliterate its evidentiary value. If the quantity sent is less, it is for the Public Analyst to see whether it is sufficient for his analysis or not. If, he finds it insufficient, there is an end to the matter. If however, he finds it sufficient, but due to one reason or the other, either because of further tests or otherwise, it is shown that the report of the Public Analyst based upon the short quantity sent to him is not trustworthy or beyond doubt, the case may fail. In other words, if the object is frustrated by the sending of the short quantity by the Food Inspector to the Public Analyst, it is obvious, that the case may end in acquittal. But if the object is not frustrated and is squarely and justifiably achieved without any

19. *Ins.* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-5-1974).
20. *Subs.* by Noti. No. GSR 550(E), dt. 4-7-1985 (w.e.f. 4-7-1985).
21. *Renumbered* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-5-1974).
21a. *Subs.* by Noti. No. GSR 91(E), dt. 24-2-1995 (w.e.f. 24-8-1995).

shadow of doubt, then it will endanger public health to acquit offenders on technical grounds which have no substance. In our considered judgment the Rule is directory and not mandatory. But we must hasten to reiterate what we have said above that, even so, Food Inspectors should take care to see that they comply with the Rule as far as possible."

In *Ramdas Bhikaji Chaudhari* v. *Sadanand*, [(1980) 1 SCC 550 : 1980 SCC (Cri) 268 : 1980 Cri LJ 111] the Supreme Court held that an acquittal solely on the ground that the sample sent for analysis was below the minimum quantity prescribed was erroneous.

In *Municipal Corpn. of Delhi* v. *New Kwality Sweet House*, [(1985) 1 SCC 195 : 1985 SCC (Cri) 49 : 1985 Cri LJ 663] where 200 gms of suji instead of 250 gms was sent for analysis the Supreme Court observed :

"The fact that a lesser quantity than that prescribed by the Rules is sent for analysis cannot constitute an impediment in the conviction of a person accused of selling adulterated food, so long as the quantity sent for analysis is sufficient to enable the Analyst to make a satisfactory analysis according to accepted tests."

Rule 22-B now clarifies the position.

[22]**[22-A. Contents of one or more similar sealed containers having identical labels to constitute the quantity of a food sample.**— Where food is sold or stocked for sale or for distribution in sealed containers having identical label declaration, the contents of one or more of such containers as may be required to satisfy the quantity prescribed in Rule 22 shall be treated to be a part of the sample.]

Notes

In *State of Punjab* v. *Devinder Kumar*, [(1983) 2 SCC 384 : 1983 SCC (Cri) 581 : 1983 Cri LJ 980] the Supreme Court has held that Rule 22-A applies only when a sealed container contains a quantity of food less than that prescribed by Ruie 22 and not when it contains food in excess of that quantity. The Court has observed :

"This rule is enacted apparently to get over the difficulty that may arise in taking a sample and in dividing it into three parts as required by Section 11(1)(*b*) of the Act where each sealed container containing the food in question contains a quantity less than the required quantity to be taken as sample for purposes of Section 11 read with Rule 22. Rule 22-A of the rules was promulgated for the purpose of overcoming an objection to the effect that the contents of two or more different sealed containers could not form the parts of the same sample. Rule 22-A of the Rules does not state that where a sealed container contains a quantity larger than what is required for purposes of Section 11 read with Rule 22 the sealed container as such should be taken as sample and that no sample can be taken after opening the sealed container."

[23]**[22-B. Quantity of sample sent to be considered as sufficient.**— Notwithstanding anything contained in Rule 22, the quantity of sample sent for analysis shall be considered as sufficient unless the public analyst or the Director reports to the contrary.]

Notes

This Rule was inserted w. e. f. 27-12-1977 after the decision of the Supreme Court in the case of Rajaldas. *G. Pamnani* v. *State of Maharashtra*, [(1976) 3 SCC 375 : 1975 SCC (Cri) 1 : 1975 Cri LJ 254] holding that Rule 22 was mandatory. In *State of Kerala* v. *Aksserry Mohammad*, [1(978) 2 SCC 386 : 1978 SCC (Cri) 198 : 1978 Cri LJ 925] it was said that Rule 22-B was added for the purpose of clarifying the law and not by way of amending it, and that the law was always the same as enunciated in that case.

PART VI

COLOURING MATTER

23. Unauthorised addition of colouring matter prohibited.—The addition of a colouring matter to any article of food except as specifically permitted by these rules, is prohibited.

22. *Ins.* by Noti. No. GSR 1564, dt. 17-11-1962.

23. *Ins.* by Noti. No. GSR 775(E), dt. 27-12-1977 (w.e.f. 27-12-1977).

Acc. No. .....
Date .....

Notes

Where the colouring material used by the accused is not one of those permissible under the Act, it is not at all necessary for the Public Analyst to investigate and report as to the identity of the substance that has actually been used for the colouring, nor is it necessary for him to record a finding in his report as to the quantity of percentage or the material that has been used. [*Municipal Corporation, Delhi* v. *Ram Dayal*, 1970 Cri LJ 221 (Del)].

24. Extraneous addition of colouring matter to be mentioned on the label.—Where an extraneous colouring matter has been added to any article of food there shall be written on the label attached to any package of food so coloured a statement in capital letters as below :

[24][*CONTAINS PERMITTED COLOURS*]

[25][* * *]

Notes

The Rule has been amended w.e.f. 24-9-1985. Formerly, the words "ARTIFICIALLY COLOURED" were required to be written on the label but now the words "CONTAINS PERMITTED COLOURS" have to be written. The proviso to Rule 24 which provided : "Provided that this Rule shall not apply to cheese (all classes), ice-cream, mixed ice-cream, icing sugar and gelatine deserts" has been *omitted*.

25. Use of caramel permitted.—Notwithstanding provisions of Rule 24 [1][and Rule 32(*c*)] caramel may be used without label declaration.

[2][**26. Natural colouring matters which may be used.**—[1][Except as otherwise provided in the rules the following natural] colouring principles whether isolated from natural colours or produced synthetically may be used in or upon any article of food :

(*a*) [3][* * *]

[4][(*b*) (*i*) Beta-carotene,

(*ii*) Beta-apo-8'-carotenal,

(*iii*) Methylester of Beta-apo-8' carotenoic acid,

(*iv*) Ethylester of Beta-apo-8' carotenoic acid,

(*v*) Canthaxanthin ;]

(*c*) Chlorophyll ;

(*d*) [5][Riboflavin (Lactoflavin] ;

(*e*) Caramel ;

(*f*) Annatto ;

(*g*) [* * *][6]

(*h*) Saffron ;

(*i*) Curcumin] [7][or turmeric]

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24. *Subs.* by Noti. No. GSR 293(E), dt. 23-3-1985 (w.e.f. 24-9-1985).

25. Proviso *omitted* by Noti. No. GSR 293(E), dt. 23-3-1985 (w.e f. 24-9-1985).

1. *Ins.* by Noti. No. GSR 425, dt. 4-4-1960.

2. *Subs.* by Noti. No. SRO 2755, dt. 20-11-1956.

3. *Omitted* by Noti. No. GSR 992, dt. 4-6-1971.

4. *Subs.* by Noti. No. GSR 938, dt. 26-5-1971.

5. *Subs.* by Noti. No GSR 1533, dt. 8-7-1968.

6. *Omitted* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 16-11-1985).

7. *Added* by Noti. No. GSR 1533, dt. 8-7-1968.

[8][*Explanation.*—In the preparation of the solution of annatto colour in oil, any edible vegetable oil listed in Appendix 'B' to these rules may be used either singly or in combination and the name of the oil or oils used shall be mentioned on the label as provided in sub-rule (*z*) of Rule 42.]

27. Addition of inorganic matters and pigments prohibited.—Inorganic colouring matters and pigments shall not be added to any article of food:

[9][Provided that chewing gum may contain Titanium dioxide (food grade) up to a maximum limit of 1 per cent.]

NOTES

Where black gram dhall with husk contained inorganic pigment Magnesium silicate which is a forbidden inorganic pigment it was held to be adulterated. [*Krishnakutty Nair* v. *George*, (1986) 2 FAC 198 : 1986 Ker LT 871.]

[10][**28.** [11][**Synthetic colours] which may be used.**—No [11][synthetic food colour] or a mixture thereof except the following shall be used in food.

[12][Colour	Common name	Colour Index (1956)	Chemical Class
(1)	(2)	(3)	(4)
1. Red	Ponceau 4R	16255	Azo
	Carmoisine	14720	Azo
	Erythrosine	45430	Xanthene
2. Yellow	Tartrazine	19140	Pyrazolone
	Sunset Yellow FCF	15985	Azo
3. Blue	Indigo Carmine	73015	Indigoid
	Brilliant Blue FCF	42090	Triarylmethane
4. Green	Fast Green FCF	42053	Triarylmethane]]

[1][**29. Use of permitted synthetic colours prohibited.**—Use of permitted synthetic colours in or upon any food other than those enumerated below is prohibited :—

(*a*) Ice-cream, milk lollies, [frozen desserts][2] ;

(*b*) Biscuits, pastries, cakes, sugar boiled confectionery, lozenges and thread candies;

8. *Subs.* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 16-11-1985).
9. *Ins.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
10. *Subs.* by Noti. No. GSR 133, dt. 23-1-1973.
11. *Subs.* for "Coal tar food colours" by GSR 677(E), dt. 6-9-1994 (w.e.f. 6-9-1994) as corrected by Noti. No. GSR 54(E), dt. 7-2-1995 and Noti. No. GSR 613(E) dt. 4-9-1995.
12. Table *Subs.* by Noti. No. GSR 727(E), dt. 23-8-1990 (w.e.f. 23-8-1991).
1. *Subs.* by Noti. No. GSR 677(E), dt. 6-9-1994 (w.e.f. 6-12-1996) as corrected by Noti. No. GSR 54(E), dt. 7-2-1995 and Noti. No. GSR 613(E), dt. 4-9-1995 and Noti. No. GSR 232(E), dt. 4-6-1996.
2. *Added* by Noti. No. GSR 121(E), dt. 11-3-1996 (w.e.f. 11-3-1996).

(*c*) Bottled or canned peas, fruit syrup, fruit squash, fruit cordial, jellies, jam, marmalade, candied crystallised or glazed fruit and synthetic soft drink concentrates;

(*d*) Non-alcoholic carbonated and non-carbonated ready-to-serve synthetic beverages including synthetic syrups, sherbets, fruit bar, fruit beverages and fruit drinks;

(*e*) Custard powder; and

(*f*) Jelly crystal and ice candy.]

NOTES

Rule 29 permits the use of permitted coal tar food colours only in the articles of food specified in the Rule and prohibits their use in any other article of food.

When no colouring matter is permitted to be used in respect of an article of food, what is prescribed in respect of the article is "nil colouring matter" and if the article contains any colouring matter, it would be "other than that prescribed in respect" of the article. [*Prem Ballah* v. *State*, (1977) 1 SCC 173 : 1977 SCC (Cri) 78 : 1977 Cri LJ 12].

[3][**30. Maximum limit of permitted synthetic colours.**—The maximum limit of permitted synthetic colours or mixture of permitted synthetic colour which may be added to any food article enumerated in Rule 29 shall not exceed 100 parts per million of the final food beverages for consumption, except in case of articles listed in sub-rule (*c*) of Rule 29 where the maximum limit of synthetic colours shall not exceed 200 parts per million.]

31. Colours to be pure.—The colours specified in Rule 28 when used in the preparation of any article of food shall be pure and free from any harmful impurities.

PART VII

PACKING AND LABELLING OF FOODS

[4][**32. Package of food to carry a label.**—Every package of food shall carry a label and unless otherwise provided in these rules, there shall be specified on every label :—

3. *Subs.* by Noti. No. GSR 677(E), dt. 6-9-1994 (w.e.f. 6-12-1996) as corrected by Noti. No. GSR 54(E), dt. 7-2-1995 and Noti. No. GSR 613(E), dt. 4-9-1995 and Noti. No. GSR 252(E), dt. 4-6-1996.

4. *Subs.* by Noti. No. GSR 422(E), dt. 29-4-1987 (w.e.f. 30-4-1989). Rule 32 which was in operation till then read as follows :

"32. *Contents of the label.*—Unless otherwise provided in these rules there shall be specified on every label—

(*a*) the name, trade name or description of food contained in the package,

(*b*) the name and business address of the manufacturer or importer or vendor or packer,

(*c*) where any permitted Class II preservative and/or permitted colouring agent and/or permitted antioxidant and/or vitamin anticaking agent and/or stabilising agent and/or emulsifying agent and/or mineral is added, a statement to the effect that it contains permitted Class II preservatives and/or permitted colouring agents and/or permitted antioxidants and/or vitamins, anticaking agent and/or stabilising agent and/or emulsifying agent and/or mineral,

(*d*) the net weight or number or measure or volume of contents as the circumstances may require except in the case of biscuits, bread, confectionery and sweets where the weight may be expressed in terms of either average net weight and/or minimum net weight,

(*e*) a batch number or code number either in Hindi or English numericals or alphabets or in combination,

(*a*) the name, trade name or description of food contained in the package ;

(*b*) the names of ingredients used in the product in descending order of their composition by weight or volume as the case may be :

Provided that in the case of artificial flavouring substances, the label may not declare the chemical names of the flavours, but in the case of natural flavouring substances or nature-identical flavouring substances, the common name of flavours shall be mentioned on the label.

Note.—A specific name shall be used for ingredients in the list of ingredients except that,—

(*i*) for ingredients falling in the respective classes, the following class titles may be used, namely :—

"edible fats, edible oils, spices and condiments, edible starches (except modified starches), vitamins and minerals, salts. However in case of curry powder or mixed masala whole or other such masala containing spices, either whole or powdered, as major ingredient, the names of spices used in the product be mentioned on the label in descending order of their composition by weight",

(*ii*) for substances falling in the respective classes and appearing in the list of food additives permitted for use in foods generally, the following class titles may be used, namely, antioxidants, anticaking agents, flour improvers, sequestering

---

(*f*) the month and year in which the commodity is manufactured or packed :

Provided that no declaration as to the month and year in which the commodity is manufactured or pre-packed shall be required to be made on—

(*i*) any bottle containing liquid milk, liquid beverage containing milk as an ingredient, soft drink and ready to serve food, beverages or the like which is returnable by the consumer for refilling ;

(*ii*) any package containing bread, any uncanned vegetable fruits, ice-cream, butter cheese, fish, meat or any other like commodity ;

(*iii*) any food package where the net weight or measure of the commodity is twenty grams or twenty millilitres or less, if sold by weight or measure.

Explanation.—Liquid milk does not include condensed milk. The month and the year in which the commodity is manufactured or pre-packed may be expressed either in words or any numericals indicating the month or the year or both:

Provided that in the case of food package weighing not more than 60 grams particulars under clause (*d*) or (*e*) need not be specified :

Provided further that in the case of—

(*a*) carbonated water containers, and

(*b*) a package containing more than 60 grams but not more than 120 grams of biscuits, confectionery and sweets,

particulars under clauses (*d*) and (*e*) need not be specified :

Provided further that in the case of a package containing bread, and milk in bottles, including sterilised milk, particulars under clause (*e*) need not be specified.

Explanation I.—The term 'label' means a display of written, printed, perforated, stencilled, embossed or stamped matter upon the container cover, lid and/or crown cork of any food package.

Explanation II.—A batch number or code number is a mark of identification by which the food can be traced in manufacture and identified in distribution."

and buffering agents, bleaching agents, emulsifying and stabilising agents, antifoaming agents, preservatives, colours, flavours, vitamins, minerals and edible gums.

(*c*) the name and complete address of the manufacturer or importer or vendor or packer ;

(*d*) the net weight or number or measure of volume of content, as the circumstances may require, except in the case of biscuits, breads, confectionery and sweets where the weight may be expressed in terms of either average net weight or minimum net weight.

Note.—In declaring the net quantity of the commodity contained in the package, the weight of the wrappers and material other than commodity shall be excluded :

Provided that where a package contains a large number of small items of confectionery, each of which is separately wrapped and it is not reasonably practicable to exclude from the net weight of the commodity, the weight of such immediate wrappers of all the items of the confectionery contained in the package, the net weight declared on the package, containing such confectionery or on the label thereof may include the weight of such immediate wrapper if, and only if the total weight of such immediate wrapper does not exceed—

(*i*) 8 per cent where such immediate wrapper is a waxed paper or any other paper with wax or aluminium foil under strip ; or

(*ii*) 6 per cent in the case of any other paper, of the total net weight of all the items of confectionery contained in the package minus the weight of immediate wrapper.

(*e*) A distinctive batch number or lot number or code number, either in numericals or alphabets or in combination, the numericals or alphabets or their combination, representing the batch number or lot number or code number being preceded by the words Batch No., or Batch, or Lot No., or Lot or any distinguishing prefix :

Provided that in case of canned food, the batch number may be given at the bottom, or on the lid of the container, but the words 'Batch No.' given at the bottom or on the lid, shall appear on the body of the container.

(*f*) the month and year in which the commodity is manufactured or prepacked :

Provided that in case of package weighing 20g or less and liquid products marketed in bottles which are recycled for refilling, particulars under clause (*b*) need not be specified :

Provided also that such declarations shall be given on the label of a multipiece package either on the label of multipiece package or in a separate slip inside the multipiece package in such a manner that the same is readable even without opening the package :

Provided further that in case of carbonated water containers and the packages of biscuits, confectionery and sweets, containing more than 60g, but not more than 120g and food packages weighing not more than 60g, particulars under clauses (*d*) and (*e*) need not be specified :

Provided also that in case of package containing bread and milk including sterilised milk, particulars under clause (*e*) need not be specified :

Provided also that no declaration as to the month and year in which the commodity is manufactured or prepacked shall be required to be made on :

(*i*) any bottle or package containing liquid milk, liquid beverage having milk as an ingredient, soft drink, ready-to-serve fruit beverages or the like which is returnable by the consumers for refilling except in case of 'sterilised' or 'UHT' milk, where date and month of packing shall be mentioned ;

(*ii*) any package, containing bread and any uncanned package of (*a*) vegetables, (*b*) fruits, (*c*) ice-cream, (*d*) butter, (*e*) cheese, (*f*) fish, (*g*) meat or (*h*) any other like commodity ;

(*iii*) any package of food where the net weight or measure of the commodity is 20g or 20ml or less if sold by weight or measure.

[4a][(*g*) the date of expiry in case of packages of aspertame which shall not be more than three years from the date of packing.]

Explanation I.—The term label means a display of written, marked, graphic, printed, perforated, stencilled, embossed or stamped matter upon the container, cover, lid or crown of any food package.

Explanation II.—'Complete Address' means in the case of a company, the address at which its registered office is situated and, in any other case, the name of the street, number (if any), assigned to the premises of the manufacturer or packer and either the name of the city and State where the business is carried on by the manufacturer or packer or the pincode. For the

4a. *Subs.* by Noti. No. GSR 578(E), dt. 4-8-1995 (w.e.f. 4-8-1995).

purpose of this explanation, shorter address registered under Rule 36 of Standards of Weights and Measures (Packaged Commodities) Rules, 1977 shall also be treated as complete address.

Explanation III.—For the purpose of declaration of month and year of manufacture, the provision under Rule 6(B) of Standards of Weights and Measures (Packaged Commodities) Rules, 1977 shall apply.

Explanation IV.—A Batch Number or Code Number or Lot Number is a mark of identification by which the food can be traced in manufacture and identified in distribution.

Explanation V.—'Multipiece package' means a package containing two or more individually packaged or labelled pieces of the same commodity of identical quantity, intended for retail either in individual places or packages as a whole.]

[4b][(*h*) The purpose of irradiation and licence number in case of Irradiated Food.]

NOTES

Though clause (*b*) [now clause (*c*)] requires "business address" to be given on the label, there will be substantial compliance with this clause when sufficient information is given from which the manufacturer etc. can be traced. In *Dwarka Nath* v. *Municipal Corpn. of Delhi*, [(1971) 2 SCC 314] where the label mentioned the address as "Mohan Ghee Laboratories, New Delhi-5", it was held by the Supreme Court that there was substantial compliance with the Rule. In *R.K. Mittal* v. *Dr. B. Roy Chaudhury*, [(1985) 1 FAC 140 : 1985 FAJ 123] where the address given was "Rose and Thistle, Calcutta 16", it was held that the concern was a reputed concern which could be located with this address and as such there was sufficient compliance with the rule.

Rule 32(*b*) is not beyond the rule-making power of the Central Government. *Dwarka Nath* v. *Municipal Corpn.*, (1971) 2 SCC 314 : 1971 SCC (Cri) 514.

[5][**32-A Nutritional food.**—The food claimed to be enriched with nutrients such as minerals, proteins or vitamins shall give the quantities of such added nutrients on the label.]

[6][**33. Languages of the particulars or declaration of the label.**—The particulars of declaration required under these rules to be specified on the label shall be in English or Hindi in Devnagri script :

Provided that nothing herein contained shall prevent the use of any other language in addition to the language required under this rule.]

4b. *Ins.* by Noti No. GSR 614(E), dt. 9-8-1994 (w.e.f. 9-8-1994) as corrected by Noti No. GSR 60(E), dt. 7-2-1995.

5. *Ins.* by Noti. No. GSR 63(E), dt. 5-2-1976 (w.e.f. 5-8-1976).

6. *Subs.* by Noti. No. SRO 2755, dt. 20-11-1956.

34. Declaration to be surrounded by line.—There shall be a surrounding line enclosing the declaration and where the words [7]["unsuitable for babies"] are required to be used there shall be another such line enclosing these words.

35. Distance of surrounding line.—The distance between any part of the words [8]["unsuitable for babies"] and the surrounding line enclosing these words shall not be less than [9][1·5 mm.]

[10][**36. Size of types used for declaration.**—The types used for declaration shall be of such dimension that it shall be conspicuous to a reader and shall not be in any case less than 3 mm. in height. The word 'Synthetic' whenever it is used shall be of the same size as used for the name of the product.]

[11][Provided that the height of the types used in the declaration having an area not greater than 25 square centimeters, shall not be less than 1·0 mm.]

37. Labels not to contain false or misleading statements.—A label shall not contain any statement, claim, design, device, fancy name or abbreviation which is false or misleading in any particular concerning the food contained in the package, or concerning the quantity or the nutritive value or in relation to the place of origin of the said food :

[12][Provided that this rule shall not apply in respect of established trade or fancy names of confectionery, biscuits and sweets such as Barley Sugar, Bulls Eye, Cream Cracker, or in respect of aerated waters such as Ginger Beer or Gold Spot or any other name in existence in international trade practice.]

[13][**37-A. Manufacture of proprietary foods and infant food.**—(1) An article of infant food whose standards are not prescribed in Appendix 'B', shall be manufactured for sale, exhibited for sale or stored for sale only after obtaining the approval of such article of food and its label from Government of India.

[14][(2) In case of proprietary foods, the name of the food or category under which it falls in these rules shall be mentioned on the label.]

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7. *Subs.* by Noti. No. GSR 169, dt. 2-2-1961.
8. *Subs.* by Noti. No. GSR 169, dt. 2-2-1961.
9. *Subs.* by Noti. No. GSR 1340, dt. 24-10-1961.
10. *Subs.* by Noti. No. GSR 992, dt. 4-6-1971.
11. *Ins.* by Noti. No. GSR 283(E), dt. 26-3-1983 (w.e.f. 26-3-1983).
12. *Added* under Noti. No. SRO 2755, dt. 20-11-1956.
13. *Subs.* by Noti. No. GSR 500(E), dt. 9-7-1984 (w.e.f. 9-7-1984).
14. *Subs.* by Noti. No. GSR 422(E), dt. 29-4-1987 (w.e.f. 30-4-1989). Sub-rule (2) in-force till then reads :

"(2) In cases of proprietary foods, the name of the food or category under which it falls in these rules shall be mentioned on the label and where such foods do not fall under any of the standards prescribed in Appendix 'B', the names of ingredients used in the product in descending order of composition shall be given on the label, provided that the labels of artificial flavouring substances may not declare the chemical names of flavours under this rule. In case of natural flavouring substances or nature-identical flavouring substances, the common name of flavour shall be mentioned on the label."

Explanation.—For the purposes of this rule—

[14a][(*a*) 'Infant food' means any food which may be used for partial or total replacement of breast milk, commonly called breast milk substitute and includes infant milk food, infant formulae and any food suitable as a complement to breast milk, to meet the nutritional needs of the infant after 4 months of age, commonly called 'complementary food', 'breast milk supplement' or 'weaning food'.

(*aa*) 'Infant' means 'a child not more than 12 months of age'.]

(*b*) "proprietary food" means a food which has not been standardised under the Prevention of Food Adulteration Rules, 1955.]

[14b][**37-B. Labelling of infant foods**.— Restriction on use of words or pictures on labels of Infant foods :

(1) The package and/or the label and/or the advertisement of infant milk food, infant formula and any other special infant food marketed as breast milk substitutes, shall not have a picture of infant or picture of mother breast feeding infant or other forms of pictures or text which may idealise the use of such product. The terms 'Humanised' or 'Maternalised' or similar expressions shall not be used.

The package and/or the label and/or the advertisement of infant food shall also not use the word 'Full Protein Food', 'Complete food' or 'Health food' or similar expressions.

(2) In addition to the labelling requirements specified under Part VII and elsewhere under the Prevention of Food Adulteration Rules, 1955, the label and/or advertisement of every infant food package shall bear the following, namely :—

A statement,—

(*i*) in bold capital letters as follows :

"*Important Notice*.—Breast Milk is best for your Baby".

The colour of the statement shall be different from that of background text of label and/or advertisement. The statement shall be prominent and conspicuous in central panel of the label. Whereas in case of weaning food the statement shall be prominent and conspicuous on any panel of the label :

Provided further that in case of weaning food the statement shall be accompanied by the statement "from 4 months of age, give baby cereal food in addition to mother milk."

The types of letters used shall not be less than 5 millimetres in all such declarations made on label.

14a. *Subs.* by Noti. No. GSR 257(E), dated 3-5-1991 (w.e.f. 3-11-1991) as corrected by GSR 531(E), dated 14-8-1991.

14b. *Ins.* by *ibid.*

(*ii*) indicating the process of manufacture (spray or roller dried) (except in case of weaning foods);

(*iii*) containing instructions for appropriate and hygienic preparation including cleaning of utensils, bottles and teats;

(*iv*) warning against health hazards of inappropriate preparations as under,—

"*Infant formula/Infant Milk food/Special Infant food.*—'Warning/Caution'—Careful and hygienic preparation of infant food is most essential for health. Do not use fewer scoops than directed, since dilute feedings will not provide adequate nutrients needed by your baby. Do not use more scoops than directed since concentrated feed will not provide the water needed by your baby".

"*Weaning food.*—'Warning/Caution'—Careful and hygienic preparation as per directions given is most essential for good health of your baby" ;

(*v*) indicating the approximate composition of nutrients per 100g of product ;

(*vi*) indicating the energy value in K. Cal/Joules ;

(*vii*) indicating the storage conditions specifically stating "Store in cool and dry place in an air-tight container" ;

(*viii*) containing the feeding chart and direction for use and instruction for discarding left over feed. Instructions for use of measuring scoop be explicit (level or heaped) ; quantity per scoop be mentioned.

(*ix*) indicating the period by which the product is to be consumed ;

(*x*) to the effect that the Protein Efficiency Ratio (PER) shall be minimum of 2.5 if the product other than the infant milk food and infant formula is claimed to have high quality protein.]

[14c][**37-C. Labelling of irradiated food.**—The labelling of prepacked irradiated food shall be in accordance with the provisions of Rule 32 and Rule 42 of the Prevention of Food Adulteration Rules, 1955 and the provisions of the Atomic Energy (Control of Irradiation of Food) Rules, 1991, under the Atomic Energy Act, 1962 (Act 33 of 1962).]

38. Labels not to contain reference to Act or rules contradictory to required particulars.—The label shall not contain any reference to the Act or any of these rules or any comment on, or reference to, or explanation of any particulars or declaration required by the Act or any of these rules to be included in the label which directly or by implication, contradicts, qualifies or modifies such particulars or declaration.

39. Labels not to use words implying recommendations by medical profession.—There shall not appear in the label of any package containing food for sale the words "recommended by the medical profession" or any words which imply or suggest that the food is recommended, prescribed, or approved by medical practitioners.

40. Unauthorised use of words showing imitation prohibited.—[15][(1)] There shall not be written in the statement or label attached to any

14c. *Ins.* by Noti. No.GSR 614(E), 9-8-1994 (w.e.f. 9-8-1994) as corrected by Noti. No. GSR 60(E), dt. 7-2-1995.

15. Rule 40 *renumbered* as sub-rule (1) by Noti. No. SRO 2755, dt. 20-11-1956.

package containing any article of food the word "imitation" or any word, or words implying that the article is a substitute for any food, unless the use of the said word or words is specifically permitted under these rules.

[16][(2) Any fruit syrup, fruit juice, fruit squash, fruit beverage or cordial or crush which does not contain the prescribed amount of fruit juice, shall not be described as a fruit syrup, fruit juice, fruit squash, fruit beverage or cordial or crush, as the case may be, and shall be described as a synthetic product. Every synthetic product shall be clearly and conspicuously marked on the label as "SYNTHETIC" and no container containing such product shall have a label, whether attached thereto or printed on the wrapper of such container or otherwise, which may lead the consumer into believing that it is a fruit product. Neither the word "FRUIT" shall be used in describing such a product nor shall it be sold under the cover of a label which carries picture of any fruit. [17][* * *].

Carbonated water containing no fruit juice or pulp shall not have a label which leads the consumer into believing that it is a fruit product.]

[18][(3) Any fruit and vegetable product alleged to be fortified with vitamin C shall contain not less than 40 mgm. of ascorbic acid per 100 gm. of the product.]

41. Imitations not to be marked "pure".—The word "pure" or any word or words of the same significance shall not be included in the label of a package that contains an imitation of any food.

42. Form of labels.—(A) COFFEE-CHICORY MIXTURE.—(*i*) Every package containing a mixture of coffee and chicory shall have affixed to it a label upon which shall be printed the following declarations :

Coffee blended with Chicory	
This mixture contains :	
Coffee	per cent
Chicory	per cent

[19][(*ii*) Every package containing Instant Coffee-Chicory mixture shall have affixed to it a label upon which shall be printed the following declarations :

Instant Coffee-Chicory mixture made from blends of coffee and chicory	
Coffee	per cent
Chicory	per cent

]

(*iii*) *Omitted.*[20]

16. *Subs.* by Noti. No. GSR 1533, dated 8-7-1968.
17. Words which were *ins.* by GSR 55(E), dt. 31-1-1979 *omitted* by Noti. No. GSR 293(E), dt. 23-3-1985 (w.e.f. 24-9-1985).
18. *Ins.* by Noti. No. GSR 992, dated 4-6-1971.
19. *Ins.* by Noti. No. GSR 917(E), dt. 17-11-1987 (w.e.f. 18-5-1988) and corrected by GSR 73(E), dt. 3-2-1988, GSR 366(E), dt. 23-3-1988 and GSR 924(E), dt. 13-9-1988.
20. *Omitted* by Noti. No. SRO 2755, dated 20-11-1956.

(B) CONDENSED MILK OR DESSICATED (DRIED) MILK.—(*i*) Every package containing condensed milk or dessicated (dried) milk shall bear a label upon which is printed such one of the following declarations as may be applicable or such other declaration substantially to the like effect as may be allowed by the State Government.

[21][(*a*) In the case of condensed milk (unsweetened) :

CONDENSED MILK UNSWEETENED
(Evaporated Milk)
This tin contains the equivalent
of (x).....litres of [toned][22] milk

(*b*) In the case of condensed milk (sweetened) :

CONDENSED MILK SWEETENED
This tin contains the equivalent of (x)
.....litres of [toned][22] milk with
sugar added

(*c*) In the case of condensed skimmed milk (unsweetened) :

CONDENSED SKIMMED MILK
UNSWEETENED
(Evaporated Skimmed Milk)
This tin contains the equivalent of (x) ..
.....litres of skimmed milk

(*d*) In the case of condensed skimmed milk (sweetened) :

CONDENSED SKIMMED MILK
SWEETENED
This tin contains the equivalent of (x).....
.....litres of skimmed milk with sugar
added

[23][(*dd*) In the case of condensed milk (sweetened and flavoured) :

This has been flavoured with.....
NOT TO BE USED FOR INFANTS
BELOW SIX MONTHS

].

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21. *Subs.* by Noti. No. GSR 1533, dated 8-7-1968.
22. *Ins.* by Noti. No. GSR 10(E), dated 7-1-1991 (w.e.f. 7-7-1991).
23. *Ins.* by Noti. No. GSR 55(E), dated 31-1-1979 (w.e.f. 31-7-1979).

[23a][(*ddd*) In the case of condensed milk/condensed skimmed milk (unsweetened) sterilised by Ultra High Temperature (UHT) treatment :—

This has been sterilised by UHT Process.]

(*e*) In the case of milk powder :

MILK POWDER
This tin contains the equivalent of (x). . . . . litres of [toned][22] milk

[24][(*ee*) In the case of milk powder which contains lecithin :

MILK POWDER IN THIS PACKAGE CONTAINS LECITHIN

(*f*) In the case of partly skimmed milk powder :

PARTLY SKIMMED MILK POWDER
This tin contains the equivalent of (x). . . . . litres of partly skimmed milk having. . . . . per cent milk fat

(*g*) In the case of skimmed milk powder :

SKIMMED MILK POWDER
This tin contains the equivalent of (x). . . . . litres of skimmed milk

(*ii*) The declaration shall in each case be completed by inserting at (x) the appropriate number in words and in figures, for example, "one and a half ($1\frac{1}{2}$)", any fraction being expressed as eight quarters or a half, as the case may be. [* * *][25]

(*iii*) There shall not be placed on any package containing condensed milk or dessicated (dried) milk any comment on, explanation of, or reference to either the statement of equivalence, contained in the prescribed declaration or on the words "machine skimmed", "skimmed" or "unsuitable for babies" except instructions as to dilution as follows :

"To make a fluid not below the composition of [toned milk][26] or skimmed milk [27][* * *] (as the case may be) with the contents of this package add (here insert the number of parts) of water by volume to one part by volume of this condensed milk or dessicated (dried) milk."

23a. *Ins.* by Noti. No. GSR 223 (E), dt. 20-5-1996 (w.e.f. 20-11-1996).
24. *Ins.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-7-1979).
25. *Omitted* by Noti. No. GSR 10(E), dt. 7-1-1991 (w.e.f. 7-7-1991).
26. *Subs.* by *ibid.*
27. *Omitted* by Noti. No. SRO 2755, dt. 20-11-1956.

[1][Sweetened condensed milk and other similar products which are not suitable for infant feeding shall not contain any instruction of modifying them for infant feeding.]

(*iv*) Wherever the word "milk" appears on the label of a package of condensed skimmed milk or of dessicated (dried) skimmed milk as the description or part of the description of the contents, it shall be immediately preceded or followed by the word "machine skimmed" or "partly skimmed", as the case may be.

[2][(C) FLUID MILK.—The caps of the milk bottles shall clearly indicate the nature of the milk contained in them. The indication may be either in full or by abbreviation shown below :

(*i*) Buffalo milk may be denoted by the letter '*B*'.

(*ii*) Cow milk may be denoted by the letter '*C*'.

(*iii*) Goat milk may be denoted by the letter '*G*'.

(*iv*) Standardised milk may be denoted by the letter "*S*".

(*v*) Toned milk may be denoted by the letter '*T*'.

(*vi*) Double toned milk may be denoted by the letters '*DT*'.

(*vii*) Skimmed milk may be denoted by the letter '*K*'.

(*viii*) Pasteurised milk may be denoted by the letter '*P*' followed by the class of milk. For example Pasteurised Buffalo milk shall bear the letters '*PB*'].

[3][Alternatively colours of the caps of the milk bottles shall be indicative of the nature of milk contained in them, the classification of colours being displayed at places where milk is sold/stored or exhibited for sale, provided that the same had been simultaneously intimated to the concerned Local (Health) Authority. Other media of information like Press may also be utilised.]

[4][(D)] ICE-CREAM.—Every dealer in ice-cream or mixed ice-cream who, in the street or other place of public resort, sells or offers or exposes for sale, ice-cream or ice-candy from a stall or from a cart, barrow or other vehicle, or from a basket, phial, tray or other container used without a staff or a

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1. *Ins.* by Noti. No. GSR 257(E), dated 3-5-1991 (w.e.f. 3-11-1991) as corrected by GSR 531(E), dated 14-8-1991.
2. *Ins.* by Noti. No. GSR 938, dated 26-5-1971.
3. *Ins.* by GSR 243, dated 15-2-1980 (w.e.f. 1-3-1980).
4. *Renumbered* by Noti. No. GSR 938, dated 26-5-1971.

vehicle, shall have his name and address along with the name and address of the manufacturer, if any, legibly and conspicuously displayed on the stall, vehicle or container, as the case may be.

[5][6][(E)] HINGRA.—Every container containing Hingra shall bear a label upon which is printed a declaration in the following form, namely :

"This container contains Hingra (Imported) from Iran/Afghanistan and is certified to be conforming to the standards laid down in the Prevention of Food Adulteration Rules, 1955."]

[7][(F) LIGHT BLACK PEPPER.—Every package containing light black pepper shall bear the following label in addition to the Agmark seal and the requirements prescribed under Rule 32 :

Light Black Pepper (Light berries).]

[8][9][(G) Every package containing "CASSIA BARK" shall bear the following label :

| CASSIA BARK (TAJ) |

]

[10-11][(GG) Every package containing "CINNAMON" shall bear the following label :

| CINNAMON (DALCHINI |

]

(H) Every package of chillies which contains added edible oil shall bear the following label :

| CHILLIES IN THIS PACKAGE CONTAINS AN ADMIXTURE OF NOT MORE THAN 2 PER CENT OF.....(NAME OF OIL) EDIBLE OIL |

(I) [12][* * * *].

(J) Every package of ice-cream, kulfi, kulfa and chocolate ice-cream containing starch shall have a declaration on a label as specified in sub-rule (2) of Rule 43.

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5. *Ins.* by Noti. No. GSR 1256, dt. 17-8-1967.
6. *Renumbered* by Noti. No. GSR 938, dt. 26-5-1971.
7. *Ins.* by Noti No. GSR 938, dt. 26-5-1971.
8. *Ins.* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-5-1974).
9. *Subs.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-7-1979).
10-11. *Ins.* by Noti. No GSR 55(E), dt. 31-1-1979 (w.e.f. 31-7-1979).
12. *Omitted* by Noti. No. GSR 422(E), dt. 29-4-1987 (w.e.f. 30-4-1989). Till then sub-rule (1) reads as follows :

"(I) Every package of curry powder shall bear a label upon which is printed a declaration giving the names of spices in descending order of composition on wt/wt basis."

(K) Partly skimmed milk powder (sour) used by industry like bakery containing sodium bicarbonate as a neutralizer shall have a label declaration as "UNFIT FOR DIRECT CONSUMPTION".]

[13][(L) MASALA. —[14][Every package of mixed masala fried in oil shall bear the following label.

MIXED MASALA (FRIED) THIS MASALA HAS BEEN FRIED IN _____ (Name of the edible oil used)

]

[15][(M) COMPOUNDED ASAFOETIDA.—Every container of compounded asafoetida shall indicate the approximate composition of edible starch or edible cereal flour used in the compound, on the label.]]

[16][(N) Every package containing maida treated with improver or bleaching agents shall carry the following label, namely:

WHEAT FLOUR TREATED WITH IMPROVER/BLEACHING AGENTS, TO BY USED BY BAKERIES ONLY

]

[17][(O) Every package containing an admixture of palmolein with groundnut oil shall carry the following label, namely:

BLEND OF PALMOLEIN AND GROUNDNUT OIL Palmolein.....per cent Groundnut oil.....per cent

]

[18][(P) Every package containing an admixture of imported rape-seed oil with mustard oil, shall carry the following label, namely:

BLEND OF IMPORTED RAPE-SEED OIL AND MUSTARD OIL Imported rape-seed oil.....per cent Mustard oil.....per cent

]

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13. *Ins.* by Noti. No. GSR 63(E), dt. 5-2-1976 (w.e.f. 5-8-1976).
14. *Subs.* by Noti. No. GSR 422(E), dt. 29-4-1987 (w.e.f. 30-4-1989) for the following words which are operative till then:

"Every package of mixed masalas shall bear a label specifying the ingredients of the products in descending order by weight.

If mixed masala is fried in oil, it shall bear the following label."

15. *Subs.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-7-1979).
16. *Ins.* by Noti. No. GSR 1417, dt. 20-9-1976 (w.e.f. 20-3-1977).
17. *Ins.* by Noti. No. GSR 651(E), dt. 22-10-1977 (w.e.f. 22-10-1977).
18. *Ins.* by Noti. No. GSR 732(E), dt. 5-12-1977 (w.e.f. 5-12-1977).

[19][(Q) Every package of coal-tar food colour preparation and mixture shall bear a label upon which is printed a declaration giving the percentage of total dye content.]

[20][(R) Unless otherwise provided in these rules, every package of malted milk food which contains added natural colouring matter except caramel, shall bear the following label :

MALTED MILK FOOD IN THIS PACKAGE CONTAINS PERMITTED NATURAL COLOURING MATTER

[21][(S) Every advertisement for and/or a package of food containing added Monosodium Glutamate shall carry the following declaration, namely :—

This package of. . . . . (*name of the food*) contains added MONOSODIUM GLUTAMATE [NOT RECOMMENDED][22] FOR INFANTS BELOW—12 MONTHS.]]

[23][(T) Every container of refined salseed fat shall bear the following label, namely :

REFINED SALSEED FAT FOR USE IN BAKERY AND CONFECTIONERY ONLY

[24][25][* * *]]

[26][(V) Every container or package of table salt or iron fortified common salt containing aluminium silicate as anticaking agent shall bear the following label, namely :

TABLE SALT/IRON FORTIFIED COMMON SALT*
Contains permitted anticaking agent

*Strike out whichever is not applicable.

or (VV) Every container or package of iron fortified common salt shall bear the following label, namely :

IRON FORTIFIED COMMON SALT]

[27][(W) Every container of refined vegetable oil shall bear the following label, namely :—

REFINED (*name of the oil*) OIL

Provided that the container of imported edible oil shall also bear the words 'IMPORTED', as prefix.]

[28][(X) Every package of the Dried Glucose Syrup containing sulphur dioxide exceeding 40 ppm shall bear the following label, namely :

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19. *Ins.* by Noti. No. GSR 393(E), dt. 4-8-1978 (w.e.f. 4-8-1078).
20. *Ins.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-7-1979).
21. *Subs.* by Noti. No. GSR 101(E), dt. 18-2-1992 (w.e.f. 18-8-1992) as corrected by Noti. No. GSR 525(E), dt. 15-5-1992.
22. *Subs.* for "unfit" by Noti. No. GSR 121(E), dt. 11-3-1996 (w.e.f. 7-9-1996).
23. *Ins.* by Noti. No. GSR 19(E), dt. 28-1-1980 (w.e.f. 28-1-1980).
24. *Ins.* by Noti. No. GSR 243, dt. 15-2-1980 (w.e.f. 1-3-1980).
25. *Omitted* by Noti. No. GSR 101(E), dt. 18-2-1992 (w.e.f. 18-8-1992) as corrected by Noti. No. GSR 525(E), dt. 15-5-1992.
26. *Subs.* by Noti. No. GSR 11(E), dt. 4-1-1985 (w.e.f. 4-1-1985) as corrected by Noti. No. GSR 368(E), dt. 18-4-1985.
27. *Ins.* by Noti. No. GSR 44(E), dt. 5-2-1982 (w.e.f. 5-8-1982).
28. *Ins.* by Noti. No. GSR 57(E), dt. 11-2-1982 (w.e.f. 11-8-1982) as corrected by Noti. No. GSR 307(E), dt. 3-4-1982.

DRIED GLUCOSE SYRUP FOR
USE IN SUGAR CONFECTIONERY ONLY]

[1][(Y) A package containing tea with added flavour for export shall bear the following label, namely :

Tea with (*name of flavour*) FOR EXPORT ONLY Licence No. . .]

[2][(YY) A package containing tea with added flavour shall bear the following label, namely :

FLAVOURED TEA
(Common name of permitted flavour) percentage
Registration No. . . . .]

[3][(Z) A package containing annatto colour in vegetable oils shall bear the following label, namely :

Annatto colour in oil (*Name of oil/oils*) used]

[4][(ZZ) Every package containing an admixture of edible oils shall carry the following label, namely :

This blended edible vegetable oil contains an admixture of :
(*i*) . . . . . % by weight
(*ii*) . . . . . % by weight
(Name and nature of edible vegetable oils i.e. in raw or refined form)
Date of Packing . . . . .]

[5][(ZZZ) Every package of chewing tobacco shall bear the following label, namely :—

Chewing of tobacco is injurious to health]

[6][(ZZZ) (1) :—Every package of food which is permitted to contain artificial sweetener mentioned in the table given in Rule 47 shall carry the following label, namely :—

This . . . . . (*name of food*) contains
. . . . . (*name of artificial sweetener*)

[7][(ZZZ) (2) Every package of Aspartame (methyl ester) marketed as table top sweetener shall carry the following label, namely :—

(*a*) Artificial sweetener for diabetics ;

(*b*) Not for [* * *][8] phenyl ketonurics.]]

[9][(ZZZ) (3) Every package of Pan Masala and advertisement relating thereto, shall carry the following warning, namely :—

1. *Ins.* by Noti. No. GSR 848(E), dt. 19-11-1983 (w.e.f. 19-11-1983) as corrected by Noti. No. GSR 113, dt. 20-2-1984.
2. *Ins.* by Noti. No. GSR 847(E), dt. 7-12-1994 (w.e.f. 7-12-1994) as corrected by Noti. No. GSR 329(E), dt. 4-4-1995.
3. *Ins.* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 16-11-1985).
4. *Subs.* by Noti. No. GSR 91(E), dt. 7-2-1992 (w.e.f. 7-2-1992) as corrected by Noti. No. GSR 314(E), dt. 3-3-1992 and 592(E), dt. 15-6-1992.
5. *Ins.* by Noti. No. GSR 852(E), dt. 13-6-1986 (w.e.f. 13-12-1986).
6. *Added* by Noti. No. GSR 454(E), dt. 15-4-1988 (w.e.f. 15-4-1988).
7. *Subs.* by Noti. No. GSR 729(E), dt. 23-8-1990 (w.e.f. 23-8-1990).
8. Words "pregnant women and" *omitted* by GSR 121(E), dt. 11-3-1996 (w.e.f. 7-9-1996).
9. *Ins.* by Noti. No. GSR 128(E), dt. 8-3-1990 (w.e.f. 8-9-1990).

"Chewing of Pan Masala may be injurious to health."]

[1][(ZZZ) (4) Every package of vanaspati made from more than 30 per cent of Rice bran oil shall bear the following label, namely :—

"This package of vanaspati is made from more than 30 per cent Rice Bran Oil by weight."

(ZZZ) (5) Every package containing Fat Spread shall carry the following labels, namely :—

(*i*) *Milk Fat Spread*

Total Milk Fat Content . . . . . .
Per cent by weight . . . . . .
Date of packing . . . . . .
Use before . . . . . .

(*ii*) *Mixed Fat Spread*

Total Fat Content . . . . . .
Per cent by weight . . . . . .
Milk Fat Content . . . . . .
Per cent by weight . . . . . .
Date of packing . . . . . .
Use before . . . . .]

[2][(ZZZ) (6) Every package of supari and advertisement relating thereto shall carry the following warning in conspicuous and bold print, namely :—

Chewing of Supari is Injurious to Health]

[3][(ZZZ) (7) All packages of irradiated food shall bear the following declaration and logo, namely :—

PROCESSED BY IRRADIATION METHOD
DATE OF IRRADIATION . . . . . .

LICENCE NO. . . . . .
PURPOSE OF IRRADIATION. . . . . .]

[4][(ZZZ) (8) Every package of fruit squash by whatever name it is sold, containing additional sodium or potassium salt shall bear the following label, namely :

IT CONTAINS ADDITIONAL SODIUM/POTASSIUM SALT]

1. *Ins.* by Noti. No. GSR 481, dt. 16-9-1993 (w.e.f. 2-10-1993), as corrected by Noti. No. GSR 512(E), dt. 15-6-1994.
2. *Ins.* by Noti. No. GSR. 695(E), dt. 9-11-1993 (w.e.f. 9-5-1994).
3. *Ins.* by GSR 614(E), dt. 9-8-1994 (w.e.f. 9-8-1994) as corrected by GSR 60(E), dt. 7-2-1995.
4. *Ins.* by Noti. No. GSR 121(E), dt. 11-3-1996 (w.e.f. 7-9-1996).

[4a][(ZZZ) (9) Every package of Cheese (hard), surface treated with Natamycin, shall bear the following label, namely :—

Surface treated with Natamycin]

43. Notice of addition, admixture or deficiency in food.—(1) Every advertisement and every price or trade list or label for an article of food which contains an addition, admixture or deficiency shall describe the food as containing such addition, admixture or deficiency and shall also specify the nature and quantity of such addition, admixture or deficiency. No such advertisement or price or trade list or label attached to the container of the food shall contain any words which might imply that the food is pure :

[5][Provided that for the purpose of this rule the following shall not be deemed as an admixture or an addition, namely—

(*a*) salt in butter or margarine ;

(*b*) vitamins in food.]

(2) Every package, containing food which is not pure by reason of any addition, admixture or deficiency shall be labelled with an adhesive label, which shall have the following declaration :

[6][DECLARATION
THIS (*a*) . . . . . CONTAINS AN
ADMIXTURE/ADDITION OF NOT MORE
THAN (*b*) . . . . . PER CENT OF [7][* * *]
(*c*) . . . . . [7][* * *].]

(*a*) Here insert the name of food.

(*b*) Here insert the quantity of admixture which may be present.

(*c*) Here insert the name of the admixture or the name of the ingredient which is deficient.

Where the context demands it, the words 'contains an admixture of' shall be replaced by the words 'contains an addition of' or 'is deficient in'.

(3) Unless the vendor of a food containing an addition, admixture or deficiency, has reason to believe that the purchaser is able to read and understand the declaratory label, he shall give the purchaser, if asked, the information contained in the declaratory label by word of mouth at the time of sale.

(4) Nothing contained in this rule shall be deemed to authorise any person to sell any article of food required under the Act or these rules to be sold in pure condition, otherwise than in its pure condition.

[8][(5) Nothing contained in the rule shall apply in the case of sweets, confectionery, biscuits, bakery products, processed fruits, [9][aerated waters, vegetables and flavouring agents].]

[9a][**43-A. Restriction on advertisement.**—There shall be no advertisement of any food which is misleading or contravening the provisions of Prevention of Food Adulteration Act, 1954 (37 of 1954) or the rules made thereunder.

Explanation.—The term 'advertisement' means any visible representation or announcement made by means of any light, sound, smoke or gas.]

4a. *Ins.* by Noti. No. GSR 223(E), dt. 20-5-1996 (w.e.f. 20-11-1996).
5. *Added* by Noti. No. GSR 1211, dt. 9-12-1958.
6. *Subs.* by Noti. No. SRO 2755, dt. 20-11-1956.
7. *Omitted* by Noti. No. GSR 1211, dt. 9-12-1958.
8. *Added* by Noti. No. SRO 2755, dt. 20-11-1956.
9. *Subs.* by Noti. No. GSR 1211, dt. 9-12-1958.
9a. *Ins.* by GSR 257(E), dt. 3-5-1991 (w.e.f. 3-11-1991) as corrected by GSR 531(E), dt. 14-8-1991.

PART VIII

PROHIBITION AND REGULATING OF SALES

44. Sale of certain admixtures prohibited.—Notwithstanding the provisions of Rule 43 no person shall either by himself or by any servant or agent sell—

(*a*) cream which has not been [10][prepared exclusively from] milk or which contains less than [11][25] per cent of milk fat,

(*b*) milk which contains any added water,

(*c*) ghee which contains any added matter not exclusively derived from milk fat,

(*d*) skimmed milk (fat abstracted) as milk,

(*e*) a mixture of two or more edible oils as an edible oil,

[11][(*f*) vanaspati to which ghee or any other substance has been added,]

[12][(*g*) [* * *]]

(*h*) turmeric containing any foreign substances,

[13][(*i*) mixture of coffee and any other substance except chicory,]

[14][(*j*) dahi or curd [15][not prepared from boiled, pasteurised or sterilised milk,]

(*k*) [16][* * *]

[17][(*l*) milk or a milk product specified in Appendix B containing a substance not found in milk, except as provided in the rules :]

[18][Provided that the Central Government may by notification in the Official Gazette, exempt [19][any preparations made of soluble extracts of coffee from the operation of this rule :]

[20][Provided further that proprietary food articles relating to clause (*i*) shall be exempted from the operation of this rule:

[21][Provided further that in respect of clause (*e*) [22][a maximum tolerance limit of 15.0 red units] in 1 cm. cell on Lovibond scale is permitted when the oil is tested for Baudouin test without dilution, that is to say, by shaking vigorously for 2 minutes, 5 ml. of the sample with 5 ml. of hydrochloric acid (specific gravity 1.19) and 0.3 ml. of 2 per cent alcoholic solution of furfural, and allowing to stand for 5 minutes :]

[23][24][* * *]]

[1][2][* * *]]

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10. *Subs.* by Noti. No. GSR 1340, dt. 24-10-1961.
11. *Subs.* by Noti. No. GSR 1533, dt. 8-7-1968.
12. *Omitted* by Noti. No. GSR 454(E), dt. 15-4-1988 (w.e.f. 15-4-1988).
13. *Ins.* by Noti. No. SRO 2755, dt. 20-11-1956.
14. *Ins.* by Noti. No. GSR 1564, dt. 17-11-1962.
15. *Subs.* for "prepared from raw and untreated milk/skimmed milk" by Noti. No. GSR 503(E), dt. 1-9-1981 (w.e.f. 1-9-1981).
16. *Omitted* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-5-1974).
17. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.
18. *Ins.* by Noti. No. GSR 1211, dt. 9-12-1958.
19. "NESCAFE" exempted, *vide* Noti. No. GSR 17, dt. 23-12-1958.
20. *Subs.* by Noti. No. GSR 270(E), dt. 2-3-1987 (w.e.f. 2-3-1987).
21. *Ins.* by Noti. No. GSR 2068, dt. 13-8-1969.
22. *Subs.* for "a maximum tolerance of 5.0 red units" by Noti. No. GSR 343, dt. 15-2-1980 (w.e.f. 1-3-1980).
23. *Ins.* by Noti. No. GSR 65(E), dt. 22-10-1977 (w.e.f. 22-10-1977).
24. *Omitted* by Noti. No. GSR 91(E), dt. 7-2-1992 (w.e.f. 7-2-1992).
1. *Ins.* by Noti. No. GSR 732(E), dt. 5-12-1977 (w.e.f. 5-12-1977).
2. *Omitted* by Noti. No. GSR 91(E), dt. 7-2-1992 (w.e.f. 7-2-1992).

[3][Provided also that in respect of clause (*e*), maximum tolerance of 10 red unit in 1 cm. cell on Lovibond scale is permitted when the oil is tested for Halphen's test without dilution, that is to say, by shaking 5 ml. of the sample with 5 ml. of sulphur solution [one per cent (w/v) solution of sulphur in carbon-disulphide mixed with equal volume of amyl alcohol] in a closed system test tube (250 × 25 cm.), heating in hot water (70°C—80°C) for a few minutes with occasional shaking until carbon-disulphide is boiled off and the sample stops foaming and then placing the tube on saturated brine bath, capable of being regulated at 110°C—115°C for 2.5 hours :]

[4][Provided also that prohibition in clause (*e*) shall remain inoperative in respect of admixture of any two edible vegetable oils as an edible vegetable oil, where—

(*a*) the proportion by weight of any edible vegetable oil used in the admixture is not less than 20 per cent by weight; and

(*b*) the admixture of edible vegetable oils, is processed or packed and sold, by the Department of Civil Supplies, Government of India (Directorate of Vanaspati, Vegetable Oils and Fats) or by the agencies in public, private or joint sector authorised by the Department, or by the National Dairy Development Board or by the State Cooperative Oilseeds Growers' Federation or Regional and District Cooperative Oilseeds Growers' Union set-up under National Dairy Development Board's Oilseeds and Vegetable Oil Project or by the Public Sector Undertakings of Central and State Governments, in sealed packages weighing not more than 5 kgs. under Agmark Certification Mark compulsorily and bearing the label declaration as laid down in sub-rule (ZZ) of Rule 42; and

(*c*) the quality of each edible oil used in the admixture conforms to the relevant standard prescribed by these rules:]

[5][Provided also that proprietary food articles, as defined in clause (*b*) of the Explanation to Rule 37-A, relating to clause (*l*) shall be exempted from the operation of this rule.]

NOTES

Sale of Haldi containing foreign starch is in contravention of Rule 44(*h*) and therefore an offence. [*Shri Ram Labhaya* v. *Municipal Corporation, Delhi*, (1974) 4 SCC 491 : 1974 SCC (Cri) 527.

[6][**44-A.** No person in any State shall, with effect from such date as the State Government concerned may by notification in the Official Gazette specify in this behalf, sell or offer or expose for sale, or have in his possession for the purpose of sale, under any description or for use as an ingredient in the preparation of any article of food intended for sale—

(*a*) Kesari gram (Lathyrus sativus) and its products,

(*b*) Kesari dal (Lathyrus sativus) and its products,

(*c*) Kesari dal flour (Lathyrus sativus) and its products,

(*d*) a mixture of Kesari gram (Lathyrus sativus) and Bengal-gram (Cicer arietinum) or any other gram,

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3. *Ins.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).

4. *Subs.* by Noti. No. GSR 91(E), dt. 7-2-1992 (w.e.f. 7-2-1992) [as corrected by Noti. No. GSR 314(E), dt. 3-3-1992 and Noti. No. GSR 592(E), dt. 15-6-1992.] for what was *subs.* by Noti. No. GSR 457(E), dt. 23-4-1990 (w.e.f. 23-4-1990) as corrected by Noti. No. GSR 867(E), dt. 25-10-1990.

5. *Ins.* by Noti. No. GSR 73(E), dt. 29-1-1986 (w.e.f. 29-1-1996).

6. *Ins.* by Noti. No. GSR 1134, dt. 5-9-1961.

(*e*) a mixture of Kesari dal (Lathyrus sativus) and Bengal-gram dal (Cicer arietinum) or any other dal,

(*f*) a mixture of Kesari dal (Lathyrus sativus) flour and Bengal-gram (Cicer arietinum) flour or any other flour.

[7][*Explanation.*—The equivalent of Kesari gram in some of the Indian languages are as follows :—

1.	Assamese	Khesari, Teora.
2.	Bengali	Khesari, Teora, Kassur, Batura.
3.	Bihari	Khesari.
4.	English	Chikling vetch.
5.	Gujarati	Lang.
6.	Hindi	Khesari, Kassur, Kasari, Kassartiuri, Batura, Chapri, Dubia, Kansari, Kesori, Latri, Tinra, Tiuri, Kassor.
7.	Kannada	Laki Bele, Kesari Bele.
8.	Malyalam	Kesari, Lanki, Vattu.
9.	Tamil	Muku.
10.	Marathi	Lakheri, Batri, Lakhi, Lang, Mutra, Teora, Batroli-ki-dal, lakh.
11.	Oriya	Khesra, Khesari, Khesari dali.
12.	Persian	Masang.
13.	Punjabi	Kisari, Chural, Karas, Karil, Kasa, Kesari, Chapa.
14.	Sanskrit	Sandika, Triputi.
15.	Sindhi	Matter.
16.	Telugu	Lamka].]

[8][**44-AA. Prohibition of use of carbide gas in ripening of fruits.**—No person shall sell or offer or expose for sale or have in his premises for the purpose of sale under any description, fruits which have been artificially ripened by use of acetylene gas, commonly known as carbide gas.]

[9][**44-AAA.** No person shall sell or offer or expose for sale or have in his premises for the purpose of sale under any description, food articles which have been coated with mineral oil, except where the addition of mineral oil is permitted in accordance with the standards laid down in Appendix B.]

[10][**44-B. Restriction on sale of ghee having less Reichert value than that specified for the area where such ghee is sold.**—(1) The ghee having less Reichert value and a different standard for Butyro-refractometer reading at 40°C than that specified for the area in which it is imported for sale or storage shall not be sold or stored in that area except under the 'AGMARK' seal :

7. *Subs.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
8. *Ins.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
9. *Ins.* by Noti. No. GSR 732(E), dt. 23-8-1990 (w.e.f. 23-8-1990).
10. *Subs.* by Noti. No. GSR 1134, dt. 5-9-1961.

Provided that such ghee may be (*i*) sold loose, after opening the 'AGMARK' sealed container, in quantities not exceeding two kilograms at a time, and (*ii*) used in the preparation of confectionery (including sweetmeats).

(2) A person selling—

(*i*) such ghee in the manner specified in sub-rule (1), and

(*ii*) confectionery (including sweetmeats) in the preparation of which such ghee is used, shall give a declaration in Form VI-B, to the Food Inspector when a sample thereof is taken by him for analysis under Section 10 of the Act and also to a purchaser desiring to have the sample analysed under Section 12 of the Act.

(3) If on analysis such sample is found to be conforming to the standards of quality prescribed for the area where it is alleged to have been produced, the ghee shall not be deemed to be adulterated by reason only that it does not conform to the standards of quality prescribed for the area where it is sold.]

[11][**44-C. Restriction on sale of Til Oil produced in Tripura, Assam and West Bengal.**—Til Oil (Sesame oil) obtained from white sesame seeds, grown in Tripura, Assam and West Bengal having different standards than those specified for til oil shall be sold in sealed containers bearing Agmark label. Where this til oil is sold or offered for sale without bearing an Agmark label, the standard given for til oil shall apply.]

[12][**44-D. Restriction on sale of Carbia Callosa and Honey dew.**—Carbia Callosa and Honey dew shall be sold only in sealed containers bearing Agmark seal.]

[13][**44-E. Restriction on sale of Kangra tea.**—Kangra tea shall be sold or offered for sale only after it is graded and marked in accordance with the provisions of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) and the rules made thereunder.]

[14][**44-F. Restriction on sale of irradiated food.**—Irradiated food shall be offered for sale only in prepackaged conditions.]

[15][**44-G. Conditions for sale of flavoured tea.**—(*i*) Flavoured tea shall be sold or offered for sale only by those manufacturers who are registered with Tea Board. Registration No. shall be mentioned on the label.

(*ii*) It shall be sold only in packed conditions with label declaration as provided in clause 'YY' of Rule 42.].

45. Food resembling but not pure honey not to be marked honey.—No person shall use the word 'honey' or any word, mark, illustration, or device that suggests honey on the label or any package of, or in any advertisement for, any food that resembles honey but is not pure honey.

46. Sale or use for sale of admixtures of ghee or butter prohibited.—No person shall sell or have in his possession for the purpose of sale or for use as an ingredient in the preparation of an article of food for sale a mixture of ghee or butter and any substance (*a*) prepared in imitation of or as a substitute for ghee or butter, or (*b*) consisting of or containing any oil or fat which does not conform to the definition of ghee :

11. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.
12. *Ins.* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-2-1975).
13. *Ins.* by Noti. No. GSR 850, dt. 25-6-1975.
14. *Ins.* by GSR 614(E), dt. 9-8-1994 (w.e.f. 9-8-1994) as corrected by GSR 60(E), dt. 7-2-1995.
15. *Ins.* by GSR 847(E), dt. 7-12-1994 (w.e.f. 7-12-1994) as corrected by GSR 329(E), dt. 4-4-1995.

Provided where a mixture prohibited by this rule is required for the preparation of an article of food, such mixture shall be made only at the time of the preparation of such article of food.

[16][**47. Restriction on use and sale of artificial sweeteners.**—(1) No artificial sweetener shall be added to any article of food :

Provided that artificial sweeteners may be used in following food articles in quantities not exceeding the limits shown against them and shall bear the label declaration as provided in (1) of sub-rule (*ZZZ*) of Rule 42.

[17][TABLE

Sl. No.	Name of artificial sweetener	Article of food	Maximum limit of artificial sweetener
(1)	(2)	(3)	(4)
1.	Saccharin Sodium	Carbonated water	100 ppm
	-do-	Supari	4000 ppm
	-do-	Pan Masala	8000 ppm
	-do-	Pan flavouring material	8 per cent

Explanation : Pan flavouring material refers to the flavouring agents permitted for human consumption to be used for pan. It shall be labelled as PAN FLAVOURING MATERIAL]

Provided that saccharin sodium or aspertame (methyl ester) may be sold as table top sweeteners and may contain carrier/or filler articles :

Provided further that saccharin sodium and aspertame (methyl ester) should conform to the standards laid down under Items A.07.10 and A.07.12 of Appendix 'B' of these rules, respectively :

(2) No mixture of artificial sweeteners shall be added to any article of food or in the manufacture of table top sweeteners.

(3) No person shall sell aspertame as table top sweetener, except for diabetic use and only under medical advice under label declaration as provided in (2) of sub-rule (*ZZZ*) of Rule 42:]

[18][Provided that aspertame may be marked as a table top sweetner in tablet or granular form in moisture-proof packages and the concentration of aspertame shall not exceed 18 mg. per 100 mg. of tablet or granules.]

NOTES

Saccharin is permitted to be used in Pan Masala. If the prosecution does not prove that the saccharin used in the Pan Masala was not in accordance with the standard laid down in Appendix B (A.07.10) and the label mentioned "saccharin mixed", Rule 47 was complied with. [*Kailash* v. *State of Rajasthan*, (1985) 1 FAC 282 : 1985 Raj LR 238 : 1985 FAJ 302 : 1985 Cri LR Raj 282 ; *Ibrahim Hussain* v. *State of U.P.*, (1984) 1 FAC 143 ; *State of Assam* v. *Ram Kanni*, (1987) 1 FAC 343].

48. Use of flesh of naturally dead animals or fowls prohibited.—No person shall sell or use as an ingredient in the preparation of any article of food intended for sale, the flesh of any animal or fowl which has died on account of natural causes.

[19][**48-A. Sale of permitted food colours.**—[20][(*i*) No person shall manufacture, sell, stock, distribute or exhibit for sale [1][synthetic colours] or their mixtures or any preparation of such colours for use in or upon food except under a licence.]

16. *Subs.* by Noti. No. GSR 454(E), dt. 15-4-1988 (w.e.f. 15-4-1988) as corrected by Noti. No. GSR 1157(E), dt. 9-12-1988.
17. *Subs.* by Noti. No. GSR 695(E), dt. 9-11-1993 (w.e.f. 9-11-1993).
18. *Ins.* by Noti. No. GSR 578(E), dt. 4-8-1995 (w.e.f. 4-8-1995).
19. *Ins.* by Noti. No. SRO 2755, dt. 20-11-1956.
20. *Subs.* by Noti. No. GSR 1417, dt. 20-9-1976 (w.e.f. 20-3-1977).
1. *Subs.* for "coal-tar food colours" by Noti. No. GSR 677(E), dt. 6-9-1994 (w.e.f. 6-9-1994) as corrected by Noti. No. GSR 54(E), dt. 7-2-1995.

(*ii*) No person shall sell a permitted [1][synthetic colours], for use in or upon food unless its container carries a label stating the following particulars :

(*a*) the words "Food Colours",

(*b*) the chemical and the common or commercial name [2][and colour index] of the dyestuff.

(*iii*) No person shall sell a mixture of permitted [1][synthetic colour] for use in or upon food unless its container carries a label stating the following particulars :

(*a*) the words "Food Colour Mixture",

(*b*) the chemical and the common or commercial name [2][and colour index] of the dyestuffs contained in the mixture.

(*iv*) No person shall sell a preparation of permitted [1][synthetic colours] for use in or upon food unless its container carries a label stating the following particulars :

(*a*) the words "Food Colour Preparation";

(*b*) the name of the various ingredients used in the preparation.]

[3][(*v*) The licence referred to in sub-rule (1) shall be issued by the licensing authority appointed under sub-rule (2) of Rule 50 and shall be subject to such conditions as the State Government may specify in this behalf.]

[4][(*vi*) All food colours, including natural colouring matter and permitted [1][synthetic colours], their preparation or mixtures, except saffron and curcumin, shall be sold only under Indian Standards Institution Certification mark.]

[5][**48-B. Sale of insect-damaged dry fruits and nuts.**—The dry fruits and nuts like raisins, currants, figs, cashewnuts, apricots, almonds may contain not more than 5 per cent of insect-damaged fruits and nuts, by count.]

[6][**48-C. Sale of Food Additives.**—The following food additives permitted for use in certain foods shall be sold only under the Indian Standards Institution Certification marks, namely:

1. Sulphuric acid (Food Grade)
2. Sodium propionate (Food Grade)
3. Calcium propionate (Food Grade)
4. Sorbic acid (Food Grade)
5. Potassium metabisulphite (Food Grade)
6. Sodium metabisulphite (Food Grade)
7. Sorbitol (Food Grade)
8. Benzoic acid (Food Grade)
9. Sodium benzoate (Food Grade)
10. [7][Fumaric acid (Food Grade) and Quick Dissolving Fumaric Acid (Food Grade)].
11. Sodium carboxymethyl cellulose (Food Grade)
12. Sodium alginate (Food Grade)
13. Agar Agar (Food Grade)
14. Alginic acid (Food Grade)
15. Calcium alginate (Food Grade)
16. Gelatin (Food Grade)

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2. *Ins.* by Noti. No. GSR 425, dt. 4-4-1960.
3. *Ins.* by Noti. No. GSR 514, dt. 20-6-1958.
4. *Subs.* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 16-11-1985).
5. *Ins.* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-5-1974).
6. *Ins.* by Not. No. 283(E), dt. 26-3-1983 (w.e.f. 26-3-1985).
7. *Subs.* by Noti. No. GSR 677(E), dt. 6-9-1994 (w.e.f. 6-9-1994) as corrected by Noti. No. GSR 54(E), dt. 7-2-1995.

17. Ascorbic acid (Food Grade)
18. Butylated Hydroxy Toluene (BHT) (Food Grade)
19. Butylated Hydroxy Anisole (BHA) (Food Grade)
20. Caramel (Food Grade)
21. Annatto Colour (Food Grade).]

[8][**48-D. Storage and sale of irradiated food.**—Save as otherwise provided in these rules, no person shall irradiate for sale, store for sale, or transport for sale irradiated food.]

PART IX

CONDITIONS FOR SALE AND LICENCE

49. Conditions for sale.—(1) Every utensil or container used for manufacturing, preparing or containing any food or ingredient of food intended for sale shall be kept at all times in good order and repair and in a clean and sanitary condition. No such utensil or container shall be used for any other purpose.

(2) No person shall use for manufacturing, preparing or storing any food or ingredient of food intended for sale, any utensil or container which is imperfectly enamelled or imperfectly tinned or which is made of such materials or is in such a state as to be likely to injure such food or render it noxious.

(3) Every utensil or container containing any food or ingredient of food intended for sale shall at all times be either provided with a tight-fitting cover or kept closed or covered by a properly fitting lid or by a close fitting cover or gauze net or other material of a texture sufficiently fine to protect the food completely from dust, dirt and flies and other insects.

(4) No utensil or container used for the manufacture or preparation of or containing any food or ingredient of food intended for sale shall be kept in any place in which such utensil or container is likely by reason of impure air or dust or any offensive, noxious or deleterious gas or substance or any noxious or injurious emanations, exhalation, or effluvium, to be contaminated and thereby render the food noxious.

(5) A utensil or container made of the following materials or metals, when used in the preparation of food shall be deemed to render it unfit for human consumption :

(*i*) containers which are rusty;

(*ii*) enamelled containers which have become chipped and rusty;

(*iii*) copper or brass containers which are not properly tinned ;

[9][(*iv*) containers made of aluminium not conforming in chemical composition to IS : 20—1959 specification for Cast Aluminium and Aluminium Alloy for utensils or IS : 21—1959 specification for Wrought Aluminium and Aluminium Alloy for utensils;] and

[10][(*v*) containers made of plastic materials not conforming to the following Indian Standards Specification, used as appliances or receptacles for packing or storing, whether partly or wholly, food articles, namely:

(*a*) IS : 10146—1982 (Specification for Polyethylene in contact with foodstuffs);

(*b*) IS : 10142—1981 (Specification for Styrene Polymers in contact with foodstuffs);

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8. *Ins.* by Noti. No. GSR 614(E), dt. 9-8-1994 (w.e.f. 9-8-1994) as corrected by Noti. No. GSR 60(E), dt. 7-2-1995.
9. *Subs.* by Noti. No. GSR 425, dt. 4-4-1960.
10. *Ins.* by Noti. No. GSR 507(E), dt. 19-3-1986 (w.e.f. 20-3-1987).

(*c*) IS : 10151—1982 (Specification for Polyvinyl Chloride (PVC), in contact with foodstuffs);

(*d*) IS : 10910—1984 (Specification for Polypropylene in contact with foodstuffs);

[11][(*e*) IS : 11434—1985 (Specification for Ionomer Resins in contact with foodstuffs)];

[12][(*f*) IS : 11704—1986 [Specification for Ethylene Acrylic Acid (EAA) copolymer;

(*g*) IS : 12252—1987 [Specification for Poly alkylene terephathalates (PET)];

(*h*) IS : 12247—1988 [Specification for Nylon 6 Polymer].

[13][(*vi*) use of second-hand tin containers for packaging of edible oils and fats :]

[14][Provided that utensils or containers made of copper though not properly tinned may be used for the preparation of sugar confectionery or essential oils and mere use of such utensils or containers shall not be deemed to render sugar, confectionery or essential oils unfit for human consumption.]

[1][(6) No person shall sell compounded asafoetida exceeding one kilogram in weight except in a sealed container with a label.]

[2][(7) No person shall sell Hingra without a label on its container upon which is printed a declaration in the form specified in Rule 42.]

[3][(8) No person shall sell Titanium Dioxide (food grade) except under Indian Standards Institution Certification Mark.]

[4][(9) No person shall sell salseed fat for any other purpose except for BAKERY AND CONFECTIONERY and it shall be refined and shall bear the label declaration as laid down in Rule 42(T).]

[5][(10) Table salt or iron fortified common salt containing anticaking agent shall be sold only in a package which shall bear the label as specified in sub-rule (V) of Rule 42 or (10-A). Iron fortified common salt shall be sold only in high density polyethylene bag (HDPE) (14 mesh, density 100kg/m^3 unlaminated) package which shall bear the label as specified in sub-rule (VV) of Rule 42.]

[6][(11) No person shall sell lactic acid for use in food except under Indian Standards Institution Marks.

(12) The Katha prepared by Bhatti method shall be conspicuously marked as 'Bhatti Katha'.]

[7][(13) All edible oils, except coconut oil, imported in crude, raw or unrefined form shall be subjected to the process of refining before sale for human consumption. Such oils shall bear a label declaration as laid down in Rule 42(W).]

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11. *Ins.* by Noti. No. GSR 840(E), dt. 6-10-1987 (w.e.f. 7-4-1988).
12. *Ins.* by GSR 105(E), dt. 22-2-1994 (w.e.f. 22-2-1994) as corrected by GSR 611(E), dt. 9-8-1994.
13. *Ins.* by Noti. No. GSR 575(E), dt. 4-8-1995 (w.e.f. 3-2-1996).
14. *Subs.* by Noti. No. GSR 1211, dt. 9-12-1958.
1. *Ins.* by Noti. No. GSR 382, dt. 9-3-1966.
2. *Ins.* by Noti. No. GSR 1256, dt. 17-8-1967.
3. *Ins.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-7-1979).
4. *Ins.* by Noti. No. GSR 19(E), dt. 28-1-1980 (w.e.f. 28-1-1980).
5. *Subs.* by GSR 11(E), dt. 4-1-1985 (w.e.f. 4-1-1985) as corrected by GSR 368(E), dt. 18-4-1985.
6. *Ins.* by Noti. No. GSR 290(E), dt. 13-4-1981 (w.e.f. 13-10-1981).
7. *Ins.* by Noti. No. GSR 44(E), dt. 5-2-1982 (w.e.f. 5-8-1982).

[8][(14) Dried Glucose Syrup containing sulphur dioxide exceeding 40 ppm. shall be sold only in a package which shall bear the label as specified in sub-rule (X) of Rule 42.]

[9][(15) No person shall store, expose for sale or permit the sale, or any insecticide in the same premises where articles of food are stored, manufactured or exposed for sale :

Provided that nothing in this sub-rule shall apply to the approved household insecticides which have been registered as such under the Insecticides Act, 1968 (46 of 1968).

Explanation.—For the purpose of this sub-rule, the word 'insecticide' has the same meaning as assigned to it in the Insecticides Act, 1968 (46 of 1968).]

[10][(16) Milk powder and condensed milk shall not be sold except under Indian Standards Institution Certification Mark.]

[10a][(17) No person shall sell mineral oil (food grade) for use in confectionery except under Indian Standards Institution Certification Mark.

(18) No person shall sell confectionery weighing more than 500 gms. except in packed condition and confectionery sold in pieces shall be kept in glass or other suitable containers.

Explanation.—For the purposes of sub-rules (17) and (18) "Confectionery" shall mean sugar boiled confectionery, lozenges and chewing gum and bubble gum.]

[10b][(19) No person shall manufacture, sell, store or exhibit for sale an infant milk food, infant formula and milk cereal based on weaning food except under Bureau of Indian Standards Certification Mark.]

[10c][(20) No person shall sell protein rich atta and protein rich maida except in packed condition mentioning the names of ingredients on the label.]

[10d][(21) Blended Edible Vegetable Oil shall not be sold in loose form. It shall be sold in sealed packages weighing not more than 5 kg. It shall also not be sold under the common or generic name of the oil used in the blend but shall be sold as 'Blended Edible Vegetable Oil'. The sealed package shall be sold or offered for sale only under AGMARK certification mark bearing the label declarations as provided under Rule 42 and Rule 44 besides other labelling requirements under these rules.]

[10e][(22) Coloured and flavoured margarine shall only be sold in a sealed package weighing not more than 500 gms. with a label declaring addition of colour and flavour as required under these rules.]

[10f][(23) The Fat spread shall not be sold in loose form. It shall be sold in sealed packages weighing not more than 500 gms. The word "butter' shall not be associated while labelling the product. The sealed package shall be sold or offered for sale only under AGMARK certification mark bearing the

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8. *Ins.* by Noti. No. GSR 57(E), dt. 11-2-1982 (w.e.f. 11-8-1982) as corrected by Noti. No. GSR 307(E), dt. 3-4-1982.
9. *Ins.* by Noti. No. GSR 790(E), dt. 10-10-1983 (w.e.f. 10-10-1983).
10. *Ins.* by Noti. No. GSR 550(E), dt. 4-7-1985 (w.e.f. 5-7-1986).
10a. *Ins.* by Noti. No. GSR No. 437(E), dt. 8-4-1988 (w.e.f. 8-4-1988).
10b. *Ins.* by Noti. No. GSR 257(E), dt. 3-5-1991 (w.e.f. 3-11-1991) as corrected by Noti. No. GSR 531(E), dt. 14-8-1991.
10c. *Ins.* by Noti. No. GSR 731(E), dt. 10-12-1991 (w.e.f. 10-12-1991) as corrected by Noti No. GSR 524(E), dt. 15-5-1992.
10d. *Ins.* by GSR 91(E), dt. 7-2-1992 (w.e.f. 7-2-1992) as corrected by Noti. No. GSR 314(E), dt. 3-3-1992 and Noti. No. GSR 592(E), dt. 15-6-1992.
10e. *Ins.* by Noti. No. GSR 907(E), dt. 4-12-1992 (w.e.f. 4-12-1992).
10f. *Ins.* by Noti. No. GSR 481, dt. 16-9-1993 (w.e.f. 2-10-1993).

label declaration as provided under Rule 42 besides other labelling requirements under these rules.]

[10g][(24) No person shall sell powdered spices except under packed conditions.

Explanation.—For the purpose of this sub-rule "spices" means the spices specified in Appendix B of PFA Rules, 1955.

(25) No person shall sell or serve food in any "commercial establishment" in plastic articles used in catering and cutlery, unless the plastic materials used in catering and cutlery articles, conform to the food grade plastic, specified in Rule 49(5)(*v*).

Explanation.—For the purpose of this sub-rule "commercial establishment" means any establishment, called by whatever name, being run/managed by any person or by any authority of the Government/Semi-Government or by any corporate/registered body which deals in the business of selling or serving food.]

[10h][(26) *Conditions for sale of irradiated food.*—All irradiated food shall be sold in prepacked conditions only. The type of packaging material used for irradiated food for sale or for stock for sale or for exhibition for sale or for storage for sale shall conform to the requirement of packaging material as per Rule 49.]

[10i][(27) Every package of cheese (hard), surface treated with Natamycin, shall bear the label as specified under clause (9) of sub-rule (*ZZZ*) of Rule 42.]

50. Conditions for licence.—[11][12][(1) No person shall manufacture, sell, stock, distribute or exhibit for sale any article of food, including prepared food or ready to serve food, [12a][irradiated food] except under a licence :

Provided that the fruit products covered under the Fruit Products Order, 1955, solvent extracted oil, de-oiled meal and edible flour covered under the Solvent Extracted Oil, De-oiled Meal and Edible Flour (Control) Order, 1967, vanaspati covered under the Vegetable Oil Products Control Order, 1947, and meat and poultry products covered under the Meat Food Products Order, 1973, shall be exempted from the above rule :]

[13][Provided further that a producer of milk, who sells milk only to a milk cooperative society which is a member of a Milk Cooperative Union engaged in reconstitution of milk or manufacture of milk products, shall be exempted from this sub-rule:]

[13a][Provided also that no person shall manufacture, sell, stock, distribute or exhibit for sale any article of food which has been subjected to the treatment of irradiation, except under a licence from Department of Atomic Energy (Control of Irradiation of Food) Rules, 1991, under the Atomic Energy Act, 1962 (Act 33 of 1962).]

(1-A) One licence may be issued by the licensing authority for one or more articles of food [14][and also for different establishments or premises in the same local area].]

10g. *Ins.* by Noti. No. GSR 105(E), dt. 22-2-1994 (w.e.f. 22-2-1994) as corrected by Noti. No. GSR 611(E), dt. 9-8-1994.

10h. *Ins.* by Noti. No. GSR 614(E), dt. 9-8-1994 (w.e.f. 9-8-1994) as corrected by Noti. No. GSR 60(E), dt. 7-2-1995.

10i. *Ins.* by Noti. No. GSR 223(E), dt. 20-5-1996 (w.e.f. 20-11-1996).

11. *Subs.* by Noti. No. GSR 1533, dt. 8-7-1968.

12. *Subs.* by Noti. No. GSR 293(E), dt. 23-3-1985 (w.e.f. 24-9-1985).

12a. *Ins.* by Noti. No. GSR 614(E), dt. 9-8-1994 (w.e.f. 9-8-1994) as corrected by GSR 60(E), dt. 7-2-1995.

13. *Ins.* by Noti. No. GSR 543(E), dt. 2-7-1985 (w.e.f. 2-7-1985).

13a. *Ins.* by Noti. No. GSR 614(E), dt. 9-8-1994 (w.e.f. 9-8-1994) as corrected by GSR 60(E), dt. 7-2-1995.

14. *Ins.* by Noti. No. GSR 290(E), dt. 13-4-1981 (w.e.f. 13-4-1981).

[15][(1-B) The name and address of the Director or Manager, as the case may be, nominated by the company under Rule 12-B shall be mentioned in the licence.]

(2) The State Government or the local authority shall appoint licensing authorities.

(3) A licensing authority may with the approval of the State Government or the local authority by an order in writing delegate the power to sign licences and such other powers as may be specified in the order to any other person under his control.

[16][(4) If the articles of food are manufactured, stored or exhibited for sale at different premises situated in more than one local area, separate applications shall be made and a separate licence shall be issued in respect of such premises not falling within the same local area :

Provided that the itinerant vendors who have no specified place of business, shall be licensed to conduct business in a particular area within the jurisdiction of the licensing authority.]

(5) Before granting a licence for manufacture, stock or exhibition of any of the articles of food in respect of which a licence is required, the licensing authority shall inspect the premises and satisfy itself that it is free from sanitary defects. The applicant for the licence shall have to make such alteration in the premises as may be required by the licensing authority for the grant of a licence :

[17][Provided that the licensing authority may, for reasons to be recorded in writing, refuse to grant a licence, if it is satisfied that it is necessary to do so in the interest of public health.]

[18][(6) *Omitted.*]

(7) Proprietors of [19][hotels, restaurants and other food stalls (including mobile and itinerant food stalls] who sell or expose for sale savouries, sweets or other articles of food) shall put up a notice board containing separate lists of the articles which have been cooked in ghee, edible oil, [20][vanaspati] and other fats for the information of the intending purchasers.

[21][(1) *Omitted.*]

(9) No licensee shall employ in his work any person who is suffering from infectious, contagious or loathsome disease.

(10) No person shall manufacture, store or expose for sale or permit the sale of any article of food in any premises not effectively separated to the satisfaction of the licensing authority from any privy, urinal, sullage, drain or place of storage of foul and waste matter.

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15. *Ins.* by Noti. No. GSR 4(E), dt. 4-1-1977.
16. *Subs.* by GSR 290(E), dt. 13-4-1981 (w.e.f. 13-4-1981).
17. *Ins.* by Noti No. GSR 1417, dt. 20-9-1976 (w.e.f. 2-10-1976).
18. *Omitted* by Noti. No. SRO 2755, dt. 20-11-1956.
19. *Subs.* by Noti. No. GSR 169, dt. 2-2-1961.
20. *Subs.* by Noti. No. GSR 1340, dt. 24-10-1961.
21. *Omitted* by Noti. No. GSR 1211, dt. 9-12-1958.

(11) All vessels used for the storage or manufacture of the articles intended for sale shall have proper cover to avoid contamination.

(12) Every manufacturer [22][(including ghani operator)] or wholesale dealer in butter, ghee, vanaspati, edible oils, and other fats shall maintain a register showing the quantity manufactured, received or sold and the destination of each consignment of the substances sent out from his manufactory or place of business, and shall present such register for inspection whenever required to do so by the licensing authority.

[23][(13) An itinerant vendor granted a licence under these rules, shall carry a metallic badge on his arm showing clearly the licence number, the nature of articles for the sale of which the licence has been granted, his name and address and the name and address of the owner, if any, foo whom he is working. His containers of food and the vehicle shall also be similarly marked. In addition to the metallic badge the vendor shall, if so required by the State Government or the local authority, carry an identity card with his photograph and the number of the licence. The identity card shall be renewed every year :]

[24][Provided that the whole-time employees of the companies shall not be treated as itinerant vendors for the purpose of carrying a metallic badge on their arms or obtaining separate licences if an identity card containing particulars of the valid municipal licence is carried by them.]

(14) The nature of articles of food for the sale of which a licence is required under these rules shall be mentioned in the application for licence. Any objectionable, ambiguous or misleading trade name shall not be approved by the licensing authority.

(15) Every licensee who sells any food, shall display a notice board containing the nature of the articles which he is exposing or offering for sale.

51. Duration of licences.—A licence shall, unless sooner suspended or cancelled, will be in force for such period as the State Government may prescribe :

Provided that if application for a fresh licence is made before the expiry of the period of validity of the licence, the licence shall continue to be in force until orders are passed on the application.

Notes

Where licences have not been renewed before the expiry of the licence and they are not even applied for, the conviction of such person for selling, storing or preparing articles of food without a licence cannot be assailed. [*Gurmukh Singh* v. *State of Punjab*, (1972) 4 SCC 805 : AIR 1972 SC 824].

[25][**51-A. Procedure for issue of licence in certain local areas.**—A licensing authority empowered to issue licences in Local areas falling within the jurisdiction of a seaport, airport, a railway station or a group of railway stations (including any railway colony, office, yard, goods-shed, transhipment shed, workshop and other works owned and maintained by the Railway Administration, for the purpose or in connection with the railways) shall

22. *Ins.* by Noti. No. SRO 2755, dt. 20-11-1956.
23. *Subs.* by Noti. No. GSR 169, dt. 2-2-1961.
24. *Ins.* by Noti. No. GSR 133, dt. 23-1-1973.
25. *Ins.* by GSR 829(E), dt. 7-11-1983 (w.e.f. 7-5-1984) [as corrected by GSR 893(E), dt. 17-12-1983.]

exercise his functions in the manner prescribed by the State Government concerned in which seaport, airport or railway station is situated and adopt such forms as are prescribed by that Government for the purpose of licensing.]

[1][PART X

PRESERVATIVES

52. Definition of preservative.—"Preservative" means a substance which when added to food, is capable of inhibiting, retarding or arresting the process of fermentation, acidification or other decomposition of food.

53. Classification of preservatives.—Preservatives shall be divided into following classes :—

(*i*) Class I preservative shall be :—

(*a*) Common salt,

(*b*) Sugar,

(*c*) Dextrose,

(*d*) Glucose [2][Syrup],

(*e*) [3][* * *]

(*f*) Spices,

(*g*) Vinegar or acetic acid,

(*h*) Honey,

[4][(*i*) * * *

(*j*) * * *

(*k*) * * *]

[5][(*l*) edible vegetable oil.]

[6][Addition of Class I preservatives in any food is not restricted, unless otherwise provided in the rules ;]

[7][Provided that the article of food to which a Class I preservative has been added conforms to the specifications laid down in Appendix 'B'.]

(*ii*) Class II preservatives shall be :—

(*a*) Benzoic acid including salts thereof,

(*b*) Sulphurous acid including salts thereof,

(*c*) [8][Nitrates or] Nitrites of Sodium or Potassium in respect of food like ham, pickled meat,

[8][(*d*) Sorbic acid including its sodium, potassium and calcium salts,

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1. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.
2. *Added* by Noti. No. GSR 1533, dt. 8-7-1968.
3. *Omitted* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 15-11-1984).
4. *Omitted* by Noti. No. GSR 1533, dt. 8-7-1968.
5. *Ins.* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 15-11-1984).
6. *Subs.* by Noti. No. GSR 1533, dt. 8-7-1968.
7. *Ins.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
8. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.

[9][propionates of calcium or sodium, lactic acid, and acid calcium phosphate,]

(*e*) Nicin]

[10][(*f*) Sodium and calcium propionate] and

[11][(*g*) Methyl or propyl Parahydroxy-Benzoate;

(*h*) Propionic acid, including esters or salts thereof;

(*i*) sodium diacetate; and

(*j*) sodium, potassium and calcium salts of lactic acid.]

54. Use of more than one Class II preservative prohibited.—No person shall use in or upon a food more than one Class II preservative:

[12][Provided that where in column (2) of the table given below Rule 55 the use of more than one preservative has been allowed in the alternative, those preservatives may, notwithstanding anything contained in Rule 55, be used in combination with one or more alternatives, provided the quantity of each preservative so used does not exceed such number of parts out of those specified for that preservative in column (3) of the aforesaid table as may be worked out on the basis of the proportion in which such preservatives are combined.

Illustration.—In the group of foods specified in Item 6 of the table given below Rule 55, sulphur dioxide or Benzoic acid can be added in the proportion of 40 parts per million or 200 parts per million respectively. If both preservatives are used in combination and the proportion of sulphur dioxide is 20 parts per million the proportion of Benzoic acid shall not exceed the proportion of 100 parts per million.]

55. Use of Class II preservatives restricted.—The use of Class II preservatives shall be restricted to the following group of foods in concentration not exceeding the proportions given below against each:

	Article of food	Preservative	Parts per million
	(1)	(2)	(3)
1.	Sausages and sausage meat containing raw meat, cereals and condiments	Sulphur dioxide	450
2.	Fruit, fruit pulp or juice (not dried) for conversion into jam or crystallised glace or cured fruit or other products:		
	(*a*) Cherries	Sulphur dioxide	[13][2000]
	(*b*) Strawberries and raspberries..	Do.	2,000
	(*c*) Other fruits	Do.	1,000

9. *Ins.* by Noti. No. GSR 133, dt. 23-1-1973.
10. *Ins.* by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).
11. *Ins.* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 15-11-1984).
12. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.
13. *Subs.* for "3000" by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 16-11-1985).

(1)	(2)	(3)
3. Fruit juice concentrate ..	Do.	1,500
4. Dried fruits :		
(*a*) Apricots, peaches, apples, pears and other fruits ..	Do.	2,000
(*b*) Raisins and sultanas ..	Do.	750
5. [14][Other non-alcoholic wines, squashes, crushes, fruit syrups, cordials, fruit juices and barley water to be used after dilution] ..	Sulphur dioxide or Benzoic acid	350 600
6. Jam, marmalade, preserve, canned cherry and fruit jelly ..	Sulphur dioxide or Benzoic acid	40 200
7. Crystallised glace or cured fruit (including candied peel) ..	Sulphur dioxide	150
8. Fruit and fruit pulp not otherwise specified in the schedule	Do.	350
[15][9. Plantation white sugar, cube sugar, dextrose, gur or jaggery, misri	Sulphur dioxide	70
9-A. Khandsari (Sulphur) and Bura ..	Do.	150
9-B. Refined sugar	Do.	40]
10. Corn flour and such like starches..	Do.	100
11. Corn syrup	Do.	450
[16][11-A. Canned *Rossogolla* (The cans shall be internally lacquered with sulphur dioxide resistant lacquer)	Do.	100]
12. Gelatine	Do.	[17][1000]
13. Beer	Do.	70
14. Cider	Do.	200
15. Alcoholic wines	Do.	450
16. Sweetened mineral water and [18][sweetened ready to serve beve-		

14. *Subs.* by Noti. No. GSR 553, dt. 22-4-1972.
15. *Subs.* by Noti. No. GSR 916(E), dt. 17-11-1987 (w.e.f. 18-5-1988) as corr. by GSR 320(E), dt. 2-3-1988.
16. *Ins.* by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).
17. *Subs.* by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).
18. *Ins.* by Noti. No. GSR 169, dt. 2-2-1961.

	(1)	(2)	(3)
	rages]	Sulphur dioxide or Benzoic acid	70 120
17.	Brewed ginger beer	Benzoic acid	120
18.	Coffee extract	Do.	450
[19][19].	Pickles and chutneys made from fruit or vegetables	[20][Benzoic acid or Sulphur dioxide	250 100]]
20.	Tomato and other sauces ..	[20][Benzoic acid]	750
21.	Cooked pickled meat including ham and bacon	[21][Sodium or Potassium nitrite (Calculated as sodium nitrite) or Commercial Saltpetre (Calculated as sodium nitrite)	200 500]
22.	Danish tinned caviar ..	Benzoic acid	50
23.	Dehydrated vegetables ..	Sulphur dioxide	2,000
24.	Tomato puree and paste ..	Benzoic acid	[22][750]
25.	Syrups and sharbats ..	Sulphur dioxide or Benzoic acid	[23][350] 600
26.	Dried ginger	Sulphur dioxide	2,000
[24][27.	Hard boiled sugar confectionery ..	Sulphur dioxide	350]
28.	[25][Cheese or processed cheese ..	Sorbic acid including its Sodium, Potassium and Calcium salts (Calculated as Sorbic acid) or Nicin (Calculated as Sorbic acid)	1,000 Do

19. *Subs.* by Noti. No. GSR 1564, dt. 17-11-1962.
20. *Subs.* by Noti. No. GSR 74, dt. 31-12-1965.
21. *Subs.* by Noti. No. GSR 1533, dt. 8-7-1968.
22. *Subs.* by Noti. No. GSR 852(E), dt. 13-6-1986 (w.e.f. 13-6-1986) for "250".
23. *Ins.* by GSR 605(E), dt. 24-7-1985 (w.e.f. 24-7-1985).
24. *Ins.* by Noti. No. GSR 74, dt. 31-12-1965.
25. *Subs.* by Noti. No. GSR 1533, dt. 8-7-1968.

(1)		(2)	(3)
29.	Flour confectionery . .	Sorbic acid or its Sodium salt	1500
30.	Smoked fish (in wrappers) . .	Sorbic acid	Only wrappers may be impregnated with Sorbic acid.]
[1][31.	Dry mixes of Rasgollas . .	Sulphur dioxide	100]
[2][32.	(*a*) Soups (other than canned)	Sulphur dioxide	150
	(*b*) Dried soups . .	Sulphur dioxide	1500
	(*c*) Dehydrated soup mix, when packed in containers other than cans	Sulphur dioxide	1500
33.	Fruits and vegetable, flakes, powder, figs . .	Sulphur dioxide	600
34.	Flour for baked food . .	Sodium diacetate or propionates or	2500
		Methyl propylhydroxy	3200
		Benzoate	500]
[3][35.	Preserved chapaties . .	Sorbic acid	1500]
[4][36.	Paneer or Chhana . .	Sorbic acid and its sodium, potassium or calcium salts (calculated as sorbic acid)	2000
		or	
		propionic acid and its sodium or potassium salts (calculated as propionic acid)	2000]
[5][37.	Fat Spread . .	Sorbic acid and its sodium, potassium and calcium salts (calculated as sorbic acid)	1000
		or	
		Benzoic acid and its sodium and potassium salts (calculated as benzoic acid) or both	1000
			1000]
[6][38.	Jam, Jellies, Marmalades, preserves, crystallised, glazed or candied fruits including candied peels, fruit bars	Sorbic Acid and its calcium/sodium/potassium salts (calculated as sorbic acid)	500
39.	Fruit Juice concentrates with preservatives for conversion in juices, nectars for ready to serve beverages in bottles/pouches selling through dispenser	-do-	100
40.	Fruit juices (tin, bottles or pouches)	-do-	200

1. *Ins.* by Noti. No. GSR 63(E), dt. 5-2-1976.
2. *Ins.* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 15-11-1984).
3. *Ins.* by Noti. No. GSR 852(E), dt. 13-6-1986. (w.e.f. 13-6-1986).
4. *Ins.* by Noti. No. GSR 10(E), dt. 7-1-1991 (w.e.f. 7-1-1991).
5. *Ins.* by Noti. No. GSR 481, dt. 16-9-1993 (w.e.f. 2-10-1993).
6. *Ins.* by Noti. No. GSR 677(E), dt. 6-9-1994 (w.e.f. 6-9-1994) as corrected by Noti. No. GSR 54(E), dt. 7-2-1995 and Noti. No. GSR 613(E), dt. 4-9-1995.

(1)		(2)	(3)
41.	Nectars, ready-to-serve beverages in bottles, pouches or selling through dispensers	-do-	50]

[7][**55-A. Use of Class II preservatives in mixed foods.**—In a mixture of two or more foods or groups of foods mentioned against each item in the Table under Rule 55, the use of Class II preservative or preservatives shall be restricted to the limit up to which the use of such preservative or preservatives is permitted for the foods or groups of foods contained in such mixture.

Illustration.—In the food specified in Item 23 of the Table given below Rule 55, sulphur dioxide can be added to dehydrated vegetables in the proportion of 2000 parts per million. If this food is mixed with the food specified in Item 24 given in the said Table, that is to say tomato puree and paste, where benzoic acid is permitted to an extent of 250 p.p.m., then in the mixture containing equal parts of these two foods, the proportion of sulphur dioxide and benzoic acid, shall be 1000 p.p.m. and 125 p.p.m. respectively].

[2][**55-B. Restriction on use of nitrate and nitrite.**—No nitrate or nitrite shall be *added* to any infant food.]

[7a][**55-C. Use of Natamycin for surface treatment of cheese (hard).**—Natamycin may be used for surface treatment of cheese (hard) under label declaration as specified in clause (9) of sub-rule (*ZZZ*) of Rule 42 subject to the following conditions, namely:—

(*i*) Maximum level of application of Natamycin shall not exceed 2 mg/dm3.

(*ii*) The penetration depth of Natamycin in cheese (hard) shall not exceed 2 mm.

(*iii*) The maximum residue level of Natamycin in the finished cheese (hard) shall not exceed 1 mg/dm3.]

56. *Container of food which contains preservative not to be marked "Pure".*—[8][* * *].

[9][PART XI

POISONOUS METALS

57. Poisonous metals.—(1) Chemicals described in monographs of the Indian Pharmacopoeia when used in foods, shall not contain poisonous metals beyond the limits specified in the appropriate monographs of the Indian Pharmacopoeia for the time being in force.

(2) Notwithstanding the provisions of sub-rule (1), no article of food specified in Column 2 of the table below shall contain any metal specified in excess of the quantity specified in Column 3 of the said table :

[10][TABLE

Name of the poisonous metal	Article of food	Parts per million by weight
(1)	(2)	(3)
1. Lead	(*i*) Beverages : Concentrated soft drinks (but not including concentrates used in the manufacture of soft drinks)	0.5

7. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.
7a. *Ins.* by Noti. No. GSR 223(E), dt. 10-5-1996 (w.e.f. 10-11-1996).
8. *Omitted* by Noti. No GSR 243, dt. 15-2-1980 (w.e.f. 1-3-1980).
9. *Added* by Noti. No. GSR 1211, dt. 9-12-1958.
10. *Subs.* by Noti. No. GSR 74, dt. 31-12-1965.

(1)	(2)	(3)
	Fruit and vegetable juice (including tomato juice, but not including lime juice and lemon juice)	1.0
	Concentrates used in the manufacture of soft drinks, lime juice and lemon juice	2.0
[11][(*i-a*)	Baking powder	10]
[12][(*i-b*)	Edible oil	10]
[13][(*i-c*)	Infant Milk substitute and Infant foods	0.2
(*i-d*)	Turmeric whole and powder	10.0]
(*ii*)	Other foods :	
	Anhydrous dextrose and dextrose monohydrate, edible oils and fats, refined white sugar (sulphated ash content not exceeding 0.03 per cent)	0.5
	Ice-cream, iced lollies and similar frozen confections	1.0
	Canned fish, canned meats, edible gelatin, meat extracts and hydrolised protein, dried or dehydrated vegetables (other than onions)	5.0
	All types of sugar, sugar syrup, invert sugar and direct consumption coloured sugars with sulphated ash content exceeding 1.0 per cent	
	Raw sugars except those sold for direct consumption or used for manufacturing purposes other than the manufacture of refined sugar	
	Edible molasses, caramel, liquid and solid glucose and starch conversion products with a sulphated ash content exceeding 1.0 per cent	
	Cocoa power	5.0 on the dry fat free substance.
	Yeast and yeast products	5.0 on the dry matter.
	Tea, dehydrated onions, dried herbs and spices, flavourings, alginic acid, alginates, agar, carrageen and similar products derived from seaweed	10.0 on the dry matter.

11. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.
12. *Ins.* by Noti. No. GSR 710(E), dt. 22-12-1980 (w.e.f. 22-12-1980).
13. *Ins.* by GSR 121(E), dt. 11-3-1996 (w.e.f. 7-9-1996), as corrected by GSR 222(E), dt. 20-5-1996.

(1)	(2)		(3)
		Liquid pectin, chemicals not otherwise specified, used as ingredients or in the preparation or processing of food	10.0
		Food colouring other than caramel	10.0 on the dry colouring matter.
		Solid pectin	50.0
		Hard boiled sugar confectionery	2.0
		[14][Iron Fortified Common Salt	2.0]
	(*iii*)	Foods not specified	2.5
2. Copper	(*i*)	Beverages :	
		Soft drinks excluding concentrates and carbonated water	7.0
		Carbonated water	1.5
		[15][Toddy	5.0]
		Concentrates for soft drinks	20.0
	(*ii*)	Other foods :	
		Chicory—dried or roasted, coffee beans, flavourings, pectin—liquid	30.0
		Colouring	30.0 on the dry colouring matter.
		Edible gelatin	30.0
		Tomato ketchup	50.0 on the dried total solids.
		Yeast and yeast products	60.0 on the dry matter.
		Cocoa powder	70.0 on the fat-free substance.
		Tomato puree, paste, powder, juice and cocktails	100.0 on the dried, tomato solids.
		Tea	150.0
		Pectin—solid	300.0
		Hard boiled sugar confectionery	5.0
		[14][Iron Fortified Common Salt	2.0]
	[16][(*ii-a*)	Turmeric whole and powder	5.0]
	(*iii*)	Foods not specified	30.0
3. Arsenic	(*i*)	Milk	0.1
	(*ii*)	Beverages :	

14. *Ins.* by GSR 11(E), dt. 4-1-1985 (w.e.f. 4-1-1985) as corrected by GSR 368(E), dt. 18-4-1985.
15. *Ins.* by Noti. No. GSR 243, dt. 15-2-1180 (w.e.f. 1-3-1980).
16. *Ins.* by Noti. No. GSR 121(E), dt. 11-3-1996 (w.e.f. 7-9-1996).

(1)	(2)		(3)
		Soft drinks intended for consumption after dilution except carbonated water	0.5
		Carbonated water	0.25
	[16][(*ii-a*)]	Infant Milk Substitute and Infant foods	0.05
	(*ii-b*)	Turmeric whole and powder	0.1]
	[17][(*iii*)	Preservative, anti-oxidants, emulsifying and stabilising agents and synthetic food colours	3.0 on dry matter.]
	[1][(*iv*)	Other foods	
		Ice-cream, iced lollies and similar frozen confections	0.5
		Dehydrated onions, edible gelatin, liquid pectin	2.0
		Chicory—dried or roasted	4.0
		Dried herbs finings and clearing agents, solid pectin—all grades, spices	5.0
		Food colouring other than synthetic colouring	5.0 on dry colouring matter.
		Hard boiled sugar confectionery	1.0
		[2][Iron Fortified Common Salt	1.0]
	[1][(*v*)]	Foods not specified	1.1
4. Tin	(*i*)	Processed and canned products	250.0
	(*i-a*)	Hard boiled sugar confectionery	5.0
	[3][(*i-b*)	Infant Milk Substitute and Infant foods	5.0
	(*i-c*)	Tumeric whole and powder	Nil]
	(*ii*)	Foods not specified	250
5. Zinc	(*i*)	Ready-to-drink beverages	5.0
	(*ii*)	Edible gelatin	100.0
	[3][(*ii-a*)	Turmeric whole and power	25.0]
	(*iii*)	Fruit products covered under the Fruit Products Order, 1955	50.0
	(*iii-a*)	Hard boiled sugar confectionery	5.0
	(*iv*)	Foods not specified	50.0]
[4][6. Cadmium	[5][(*i*)	Infant Milk substitute and Infant foods	0.1
	(*ii*)	Turmeric whole and powder	0.1
	(*iii*)	Other foods	1.5]
7. Mercury		Fish	0.5
		Other foods	1.0
8. Methyl Mercury (Calculated as the element)		All foods	0.25]

17. *Ins.* by Noti. No. GSR 938, dt. 26-5-1971.
1. *Renumbered* by Noti. No. GSR 938, dt. 26-5-1971.
2. *Ins.* by GSR 11(E), dt. 4-1-1985 (w.e.f. 4-1-1985) as corrected by GSR 368(E), dt. 18-4-1985.
3. *Ins.* by Noti. No. GSR 121(E), dt. 11-3-1996 (w.e.f. 7-9-1996).
4. *Added* by Noti. No. GSR 454(E), dt. 15-4-1988 (w.e.f. 15-4-1988).
5. *Subs.* by Noti. No. GSR 121(E), dt. 11-3-1996 (w.e.f. 7-9-1996).

[6][PART XI-A

CROP CONTAMINANTS AND NATURALLY OCCURRING TOXIC SUBSTANCES

57-A. Crop contaminants.—(1) Crop contaminant means any substance not intentionally added to food, but which gets added to articles of food in the process of their production (including operations carried out in crop husbandry, animal husbandry and veterinary medicine), manufacture, processing, preparation, treatment, packing, packaging, transport or holding of articles of such food as a result of environmental contamination.

(2) No article of food specified in column (2) of the Table below shall contain any crop contaminant specified in the corresponding entry in column (1) thereof in excess of quantities specified in the corresponding entry in column (3) of the said Table :

Name of the contaminants	Article of Food	mg/kg
(1)	(2)	(3)
Aflatoxin	All articles of food	0.03

57-B. Naturally occurring toxic substances.—The toxic substances specified in column (1) of the Table below, which may occur naturally in any article of food, shall not exceed the limit specified in the corresponding entry in column (2) of the said Table :—

TABLE

Name of substance	Maximum Limit
(1)	(2)
Agaric acid	100 ppm
Hydrocyanic acid	5 ppm
Hypericine	1 ppm
Saffrole	10 ppm]

[7][PART XII

ANTI-OXIDANTS, EMULSIFYING AND STABILISING [8][AND ANTICAKING AGENTS]

58. Definition of anti-oxidant.—'Anti-oxidant' means a substance which when added to food retards or prevents oxidative deterioration of food and does not include sugar, cereal oils, flours, herbs and spices.

[9][**59. Restriction on use of anti-oxidants.**—No anti-oxidant other than lecithin, ascorbic acid and tocopherol shall be added to any food :

Provided that the following anti-oxidants, not exceeding the concentration mentioned against each, may be added to edible oils and fats, except ghee and butter, namely :—

1. Ethyl gallate
2. Propyl gallate

6. Part XI-A *ins.* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 16-11-1985).
7. *Added* by Noti. No. GSR 1211, dt. 9-12-1958.
8. *Ins.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
9. *Subs.* by Noti. No. GSR 133, dt. 23-1-1973.

3. Octyl gallate or mixture thereof	0.01 per cent
4. Dodecyl gallate	
[10][5. Ascrobyl Palmitate	0.02 per cent]
6. Butylated hydroxyanisole (BHA)	0.02 per cent
7. Citric acid	
8. Tartaric acid	
9. Gallic acid	0.01 per cent
10. Resin Guaiac	0.05 per cent
[11][11. Tertiary butyl hydro quinone (TBHQ)	0.02 per cent].

[12][Provided that dry mixes of *rasgollas* and *vadas* may contain butylated hydroxyanisole (BHA) not exceeding 0.02 per cent calculated on the basis of fat content :

Provided further that anti-oxidants permitted in Rule 59 may be used in permitted flavouring agents in concentration not exceeding 0.01 per cent :]

Provided further that whatever butylated hydroxyanisole (BHA) is used in conjunction with the anti-oxidants mentioned at Item Nos. 1 to 4 of the preceding proviso, the quantity of the mixture shall not exceed the limit of 0.02 per cent :

Provided also that ghee and butter may contain butylated hydroxyanisole (BHA) [13][* * *] in a concentration not exceeding 0.02 per cent:]

[14][Provided also that fat spread may contain butylated hydroxyanisole (BHA) or Tertiary butyl hydro quinone (TBHQ) in a concentration not exceeding 0.02 per cent by weight on fat basis:]

[15][Provided further that ready-to-eat dry breakfast cereals may contain butylated hydroxanisole (BHA) not exceeding 0.005 per cent (50 ppm).]

[16][**59-A. Use of anti-oxidants in Vitamin D preparation.**—Vitamin D preparation may contain anti-oxidants prescribed in Rule 59 not exceeding 0.08 per cent.]

[17][**60. Definition of emulsifying and stabilising agents.**—"Emulsifying agents" and "stabilising agents" means substances which, when added to food, are capable of facilitating a uniform dispersion of oils and fats in aqueous media, or *vice versa*, and/or stabilising such emulsions and include the following, namely :

Agar, alginic acid, calcium and sodium alginates, carrageen, edible gums [18][(such as guar, karaya, arabic, carobean, furcellaran, tragacanth, gum ghatti)], dextrin, sorbitol, pectin, sodium and calcium pectate, sodium citrate, sodium phophates, sodium tartarate, calcium lactate, lecithin, albumen, gelatin, quillaia modified starches, hydrolysed proteins, monoglycerides or diglycerides of fatty acids, synthetic lecithin, propyleneglycol stearate, propyleneglycol alginate, methyl ethyl cellulose, methyl cellulose, sodium-carboxymethyl cellulose, stearyl tartaric acid, esters of monoglycerides and diglycerides of fatty acids, monosterin sodium sulphoacetate, sorbitan esters of fatty acids or in combination, [19][poly-oxy-ethylene sorbiton mono-

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10. *Subs.* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 15-11-1984).
11. *Ins.* by Noti. No. GSR 283(E), dt. 26-3-1983 (w.e.f. 26-3-1983).
12. *Ins.* by Noti. No. GSR 63(E), dt. 5-2-1976.
13. *Omitted* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 16-11-1985).
14. *Ins.* by Noti. No. GSR 481, dt. 16-9-1993 (w.e.f. 2-10-1993).
15. *Ins.* by Noti. No. GSR 853(E), dt. 7-12-1994 (w.e.f. 7-12-1994).
16. *Ins.* by Noti. No. GSR 1417, dt. 20-9-1976 (w.e.f. 2-10-1976).
17. *Subs.* by Noti. No. GSR 1533, dt. 8-7-1968.
18. *Ins.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
19. *Subs.* by Noti. No. GSR 205, dt. 31-2-1974 (w.e.f. 23-5-1974).

stearate [20][sodium stearoyl-2-lactylate and calcium stearoyl-2-lactylate], [21][Polyglycerol Esters of fatty acids and Polyglycerol Ester of interesterified Ricinoleic acid.] [22][* * *]

[1][**61. Restriction on use of emulsifying and stablising agents.**—No emulsifying or stablising agents shall be used in any food, except where the use of emulsifying or stabilising agent is specifically permitted :

Provided that the following emulsifying or stabilising agents shall not be used in milk and cream, namely, monoglycerides or diglycerides of fatty acids, synthetic lecithin, propyleneglycol stearate, propylenegloycol alginate, methyl ethyl cellulose, methyl cellulose, sodium carboxymethyl cellulose, stearyl tartaric acid, esters of monoglycerides and diglycerides of fatty acids, monostearin sodium sulphoacetate, sorbitan esters of fatty acids or in combination, [22][* * *]:

[2][Provided further that Polyglycerol esters of fatty acids and Polyglycerol ester of interesterified Ricinoleic acid may be used in bakery products and in chocolate to the extent of 0.2 per cent by weight.]

NOTES

The prohibition contained in the proviso does not apply to ice-cream, Kulfi, chocolate ice-cream covered by sub-item A.11.02.08, wherein it is clearly stated that these three milk products may contain permitted stabilisers and emulsifiers not exceeding 0.5 per cent by weight. In the instant case brominated vegetable oils could have formed a part of the chocolate ice-cream sold by the appellant to the extent of 0.5 per cent by weight, without the article being treated as adulterated under the Rules. Before the appellant could be convicted, therefor, it was incumbent on the prosecution to establish that the sample taken from him contained either brominated vegetable oils or other permitted stabilisers and emulsifiers exceeding 0.5 per cent by weight or that it did not conform to the prescribed standard in some other detail. [*Krishan Chand* v. *Administration*, (1979) 4 SCC 709 : 1980 SCC (Cri) 165 : 1979 Cri LJ 921.]

[3][**61-A. Use of starch phosphate.**—Starch phosphate, a gum arabic substitute, may be used in syrup, ice-cream powder, salad dressing and pudding to a maximum extent of 0.5 per cent.

61-B. Use of emulsifying and stabilising agents in flavouring agents.—The emulsifying and stabilising agents may be added to flavouring agents.]

[4][**61-C. Use of emulsifying and stabilising agents in fruit products.**—The following emulsifying and stabilising agents may be added to fruit products :

1. Pectin 2. Sodium alginate 3. Calcium alginate 4. Alginic acid 5. Propylene glycol alginate.]

[5][**61-D. Use of emulsifying and stabilising agents in frozen desserts.**—The emulsifying and stabilising agents enlisted under Rule 60 may be added to frozen desserts.]

[6][**62. Restriction on use of anticaking agents.**—No anticaking agents shall be used in any food except where the use of anticaking agents is specifically permitted :

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20. *Ins.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
21. *Ins.* by Noti. No. GSR 10(E), dt. 18-2-1992 (w.e.f. 18-2-1992) as corrected by GSR 525(E), dt. 15-5-1992.
22. Words "and brominated vegetable oils" *reinserted* by GSR 411(E), dated 29-3-1990 (w.e.f. 29-3-1990) which were earlier *omitted* by GSR 454(E), dt. 15-4-1988 (w.e.f. 15-4-1988). The amendment by GSR 411(E) was to 'remain in force up to and inclusive of the 15th of April, 1990'.
1. *Ins.* by GSR 101(E), dt. 18-2-1992 (w.e.f. 18-2-1992) as corrected by GSR 525(E), dt. 15-5-1992.
2. *Subs.* by Noti. No. GSR 1533, dt. 8-7-1968.
3. *Ins.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
4. *Ins.* by Noti. No. GSR 249(E), dt. 8-3-1983.
5. *Ins.* by Noti. No. GSR 121(E), dt. 11-3-1996 (w.e.f. 11-3-1996).
6. *Subs.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).

[7][Provided that table salt, onion powder, garlic powder, fruit powder and soup powder may contain the following anticaking agents in quantities not exceeding 2·0 per cent, either singly or in combination, namely :—

(1) carbonates of calcium and magnesium

(2) phosphates of calcium and magnesium

(3) silicates of calcium, magnesium, aluminium or sodium or silicon dioxide.

(4) myristates, palmitates or stearates of aluminium, ammonium, calcium, potassium or sodium :]]]

[7a][Provided further that calcium, potassium or sodium ferrocyanide may be used as crystal modifiers and anti-caking agent in common salt, iodised salt and iron fortified salt in quantity not exceeding 10mg/kg singly or in combination expressed as ferrocyanide.]

[8][62-A. **Antifoaming agents in edible oils and fats**.—Dimethyl and Polysiloxane, food grade, may be used as an antifoaming agent in edible oils and fats for deep fat frying up to a maximum limit of 10 parts per million.

Explanation.—For the purpose of this rule, "Antifoaming agent" means substance which retards deteriorative changes and foaming height during heating.]

[8a][62-B. **Use of release agents in confectionery**.—Spreadasil silicon spray (Dimethyl Polysiloxane) if used, as release agent in confectionery, shall not exceed 10 ppm of the finished product.]

[9]PART XIII

[10][FLAVOURING AGENTS AND RELATED SUBSTANCES]

[11][63. **Flavouring agents**.—Flavouring agents include flavour substances, flavour extracts or flavour preparations, which are capable of imparting flavouring properties, namely taste or odour or both to food. Flavouring agents may be of following three types :—

(*A*) *Natural Flavours and Natural Flavouring Substances* :—

"Natural flavours" and "Natural flavouring substances" are flavour preparations and single substance respectively, acceptable for human consumption, obtained exclusively by physical processes from vegetable, sometimes animal raw materials either in their natural state or processed, for human consumption.

(*B*) *Nature Identical Flavouring Substances* :—

Nature identical flavouring substances are substances chemically isolated from aromatic raw materials or obtained synthetically ; they are

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7. *Subs.* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 15-11-1984).
7a. *Ins.* by Noti. No. GSR 729(E), dated 23-8-1990 (w.e.f. 23-8-1990).
8. *Ins.* by Noti. No. GSR 283(E), dt. 26-3-1983 (w.e.f. 26-3-1983).
8a. *Ins.* by Noti. No. GSR 454(E), dt. 15-4-1988 (w.e.f. 15-4-1988).
9. Part XIII *added* by Noti. No. GSR 1211, dt. 9-12-1958.
10. *Subs.* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 15-11-1984).
11. Rule 63 *ins.* by Noti. No. GSR 283(E), dt. 26-3-1983 (w.e.f. 26-3-1983) and old Rule 63 *re-numbered* as Rule 63-A.

chemically identical to substances present in natural products intended for human consumption, either processed or not.

(C) Artificial Flavouring Substances :—

Artificial flavouring substances are those substances which have not been identified in natural products intended for human consumption either processed or not.]

[12][**63-A. Restriction on use of flavouring agents.**—The use of the following flavouring agents are prohibited in any article of food, namely :—

1. Coumarin and dihydrocoumarin ;
2. Tonkabean (Diptery adorat); and
3. B-asarone and cinamyl anthracilate.]

[13][4. Estragole
5. Ethyl Methyl Ketone
6. Ethyl-3-Phenylglycidate
7. Eugenyl methyl ether
8. Methyl β napthyl Ketone
9. P. Propylanisole
10. Saffrole and Isosaffrole
11. Thujone and Isothujone α & β thujone.]

[14][**64. Solvent in flavour.**—Diethylene Glycol and Monoethylether shall not be used as solvent in flavours.

64-A. Use of anti-oxidants, emulsifying and stabilising agents and food preservatives in flavour.—The flavouring agents may contain permitted anti-oxidants, emulsifying and stabilising agents and food preservatives.

64-B. Use of monosodium glutamate.—Monosodium glutamate may be added to an article of food [15][under proper label declaration as provided in sub-rule (S) of Rule 42] provided the total glutamate content of the ready-to-serve food does not exceed 1 per cent. It shall not be added to any food for use by the infant below twelve months.]

[16][**64-BB. Extraneous addition of flavouring agent to be mentioned on the label.**—Where an extraneous flavouring agent has been added to any article of food, there shall be written on the label attached to any package of food so flavoured, a statement in capital letters as below :—

"CONTAINS ADDED FLAVOUR"]

64-BBB. *Use of menthol.*—[* * *][17]

12. *Subs.* by Noti. No. GSR 454(E), dt. 15-4-1988 (w.e.f. 15-4-1988).
13. *Ins.* by Noti. No. GSR 677(E), dt. 6-9-1994 (w.e.f. 6-9-1994) as corrected by Noti. No. GSR 54(E), dt. 7-2-1995 and Noti. No. GSR 613(E), dt. 4-9-1995.
14. Rules 64, 64-A & 64-B, *subs.* for Rules 64, 64-A, 64-AA & 64-B by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 15-11-1984).
15. *Ins.* by GSR 101(E), dt. 18-2-1992 (w.e.f. 18-2-1992) as corrected by GSR 525(E), dt. 15-5-1992.
16. *Ins.* by Noti. No. GSR 101(E), dt. 23-3-1985 (w.e.f. 24-9-1985).
17. Rule 64-BBB *ins.* by Noti. No. GSR 454(E), dt. 15-4-1988 (w.e.f. 15-4-1988) and *omitted* by Noti. No. GSR 411(E), dated 29-3-1990 (w.e.f. 29-3-1990).

[18][PART XIII-A

CARRY OVER OF FOOD ADDITIVES

64-C. Carry over of food additives.—(1) For the purpose of the standards specified in Appendix B, the "Carry over" principle applies to the presence of additives such as colours, flavouring agents, anti-oxidants, anti-caking agents, emulsifying and stabilising agents and preservatives in food, as a result of the use of raw material or other ingredients in which these additives were used. The presence of contaminants is not covered by this purpose.

(2) The presence of an additive in food through the application of the carry over principle is admissible in general unless otherwise specifically prohibited in the rules or in Appendix B provided the total additive including the carry over through the raw material or other ingredients does not exceed the maximum amount so permitted.

[19][PART XIV

INSECTICIDES AND PESTICIDES

[20][**65. Restriction on the use of insecticides.**—[1][(1) Subject to the provisions of sub-rule (2), no insecticide shall be used directly on articles of food :

Provided that nothing in this sub-rule shall apply to the fumigants which are registered and recommended for use as such on articles of food by the Registration Committee, constituted under Section 5 of the Insecticides Act, 1968 (46 of 1968).]

[1][(2)] The amount of insecticide mentioned in Column 2, on the foods mentioned in Column 3, shall not exceed the tolerance limit prescribed in Column 4 of the Table given below:

TABLE

Sl. No.	Name of insecticide	Food	Tolerance limit mg/kg (ppm)	
(1)	(2)	(3)	(4)	
1.	Aldrin, dieldrin (The limits apply to aldrin and dieldrin singly or in any combination and are expressed as deildrin)	Foodgrains	0.01	
		[Milled foodgrains	Nil][2]	
		Milk and Milk products	0.15	(on a fat basis)
		Fruits and Vegetables	0.1	
		Meat	0.2	
		Eggs	0.1	(on a shell-free basis)
2.	Carbaryl	Foodgrains	1.5	
		[Milled foodgrains	Nil][2]	
		Okra and leafy vegetables	10.0	
		Potatoes	0.2	
		Other vegetables	5.0	
		Cottonseed (whole)	1.0	
		Maize cob (kernels)	1.0	

18. *Ins.* by Noti. No. GSR 283(E), dt. 26-3-1983 (w.e.f. 26-3-1983) as corrected by Noti. No. GSR 743, dt. 23-9-1983.
19. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.
20. *Subs.* by Noti. No. GSR 754, dt. 15-5-1976 (w.e.f. 1-7-1976).
1. *Ins.* by Noti. No. GSR 790(E), dt. 10-10-1983 (w.e.f. 10-10-1983) and sub-rule (1) *re-numbered* as sub-rule (2).
2. *Ins.* by Noti. No. GSR 791(E), dt. 13-12-1995 (w.e.f. 13-12-1995).

(1)	(2)	(3)		(4)
3.	Chlordane (residue to be measured as cis plus trans chlordane)	Foodgrains	[0.02][3]	
		[Milled foodgrains	Nil][3]	
		Milk and Milk Products	0.05	(on a fat basis)
		Vegetables	0.2	
		Fruits	0.1	
		Sugar beet	0.3	
4.	D.D.T. (The limits apply to D.D.T., D.D.D. and D.D.E. singly or in any combination)	Milk and Milk Products	1.25	(on a fat basis)
		Fruits and Vegetables including potatoes	3.5	
		Meat, poultry and fish	7.0	(on whole product basis)
		Eggs	5.0	(on a shell-free basis)
5.	Diazinon	Foodgrains	0.05	
		[Milled foodgrains	Nil][3]	
		Vegetables	0.5	
6.	Dichlorvos (content of dichloroacetaldehyde (D.C.A.) be reported where possible)	Foodgrains	1.0	
		Milled foodgrains	0.25	
		Vegetables	0.15	
		Fruits	0.1	
7.	Dicofol	Fruits and Vegetables	5.0	
		Tea (dry manufactured)	5.0	
8.	Dimethoate (residue to be determined as dimethoate and expressed as dimethoate).	Fruits and Vegetables	2.0	
9.	Endosulfan (residues are measured and reported as total of endosulfan A and B and endosulfan-sulphate).	Fruits and Vegetables	2.0	
		Cottonseed	0.5	
		Cottonseed oil (crude)	0.2	
10.	Fenitrothion	Foodgrains	0.02	
		Milled foodgrains	0.005	
		Milk and Milk products	0.05	(on a fat basis)
		Fruits	0.5	
		Vegetables	0.3	
		Meat	0.03	
11.	Heptachlor (Combined residues of heptachlor and its epoxide to be determined and expressed as heptachlor)	Foodgrains	0.01	
		Milled foodgrains	0.002	
		Milk and Milk products	0.15	(on a fat basis)
		Vegetables	0.05	
12.	Hydrogen cyanide	Foodgrains	37.5	
		Milled foodgrains	3.0	
13.	Hydrogen phosphide	Foodgrains	[Nil][4]	
		Milled foodgrains	[Nil][5]	
14.	Inorganic bromide (determined and expressed as total bromide from all sources)	Foodgrains	25.0	
		Milled foodgrains	25.0	
		Fruits	30.0	
		Dried fruits and spices	100.0	

3. *Subs.* for "0.05" by Noti. No. GSR 791(E), dt. 13-12-1995 (w.e.f. 13-12-1995).
4. *Subs.* for "0.05" by Noti No. GSR 791(E), dt. 13-12-1995 (w.e.f. 13-12-1995).
5. *Subs.* for "0.01" by Noti. No. GSR 791(E), dt. 13-12-1995 (w.e.f. 13-12-1995).

(1)	(2)	(3)	(4)
[6][15.	Hexachlorocyclohexane and its Isomers		
	(*a*) Alpha (α) Isomer :	Rice grain unpolished	0.10*
		Rice grain polished	0.05
		Milk (whole)	0.05
	(*b*) Beta (β) Isomer :	Rice grain unpolished	0.10
		Rice grain polished	0.05
		Milk (whole)	0.02
	(*c*) Gamma (γ) Isomer : known as Lindane	Foodgrains except rice	[0.10][7]
		[Milled foodgrains	Nil][8]
		Rice grain unpolished	0.10
		Rice grain polished	0.05
		Milk	0.01 (on whole basis)
		Milk products	0.20 (on fat basis)
		Fruits and vegetables	3.00
		Eggs	0.10 (on shell-free basis)
		Meat and poultry	2.00 (on whole basis)
	(*d*) Delta (δ) Isomer :	Rice grain unpolished	0.10
		Rice grain polished	0.05
		Milk (whole)	0.02]
16.	Malathion (Malathion to be determined and expressed as combined residues of malathion and malaoxon)	Foodgrains	4.0
		Milled foodgrains	1.0
		Fruits	4.0
		Vegetables	3.0
		Dried fruits	8.0
17.	Parathion (Combined residues of parathion and paraoxon to be determined and expressed as parathion)	Fruits and Vegetables	0.5
18.	Parathion methyl (Combined residues of parathion methyl and its oxygen analogue to be determined and expressed as parathion methyl)	Fruits	0.2
		Vegetables	1.0
19.	Phosphamidon Residues (expressed as the sum of the phosphamidon and its desethyl derivative)	Foodgrains	0.05
		[Milled foodgrains	Nil][8]
		Fruits and Vegetables	0.2
20.	Pyrethrins (sum of pyrethrins I and II and other structurally related insecticidal ingredients of pyrethrum)	Foodgrains	[Nil][9]
		Milled foodgrains	[Nil][10]
		Fruits and Vegetables	1.0

* Soluble in water and hence not necessary to mention on fat basis.

6. *Subs.* by Noti. No. GSR 591(E), dt. 15-6-1992 (w.e.f. 15-6-1992) as corrected by Noti. No. GSR 903(E), dt. 2-12-1992.
7. *Subs.* for "0.25" by Noti. No. GSR 791(E), dt. 13-12-1995 (w.e.f. 13-12-1995).
8. *Ins.* by Noti. No. GSR 791(E), dt. 13-12-1995 (w.e.f. 13-12-1995).
9. *Subs.* for "1.5" by Noti. No. GSR 791(E), dt. 14-12-1995 (w.e.f. 13-12-1995).
10. *Subs.* for "0.5" by Noti. No. GSR 791(E), dt. 13-12-1995 (w.e.f. 13-12-1995).

(1)	(2)	(3)	(4)	
[11][21.	Chlorfenvinphos (Residues to be measured as alpha and beta isomers of chlorfenvinphos)	Foodgrains	0.025	
		Milled Foodgrains	0.006	
		Milk and Milk products	0.2	(fat basis)
		Meat and poultry	0.2	(carcass fat)
		Vegetables	0.05	
		Groundnuts	0.05	(shell-free basis)
		Cotton seed	0.05	
22.	Chlorobenzilate	Fruits	1.0	
		Dry Fruits, Almonds and Walnuts	0.2	(shell-free basis)
23.	Chlorpyrifos	Foodgrains	0.05	
		Milled foodgrains	0.01	
		Fruits	0.5	
		Potatoes and Onions	0.01	
		Cauliflower and Cabbage	0.01	
		Other vegetables	0.2	
		Meat and poultry	0.1	(carcass fat)
		Milk and Milk products	0.01	(fat basis)
		Cotton seed	0.05	
		Cottonseed oil (crude)	0.025	
24.	2, 4-D	Foodgrains	0.01	
		Milled foodgrains	0.003	
		Potatoes	0.2	
		*Milk and Milk Products	0.05	
		*Meat and poultry	0.05	
		Eggs	0.05	(shell-free basis)
		Fruits	2.0	
25.	Ethion (Residues to be determined as ethion and its oxygen analogue and expressed as ethion)	Tea (dry manufactured)	5.0	
		Cucumber and Squash	0.5	
		Other vegetables	1.0	
		Cotton seed	0.5	
		Milk and Milk products	0.5	(fat basis)
		*Meat and Poultry	0.2	(carcass fat basis)
		Eggs	0.2	(shell-free basis)
		Foodgrains	0.025	
		Milled foodgrains	0.006	
		Peaches	1.0	
		Other fruits	2.0	
		Dry fruits	0.1	(shell-free basis)
26.	Formathion (Determined as dimethoate and its oxygen analogue and expressed as dimethoate except in case of citrus fruits where it is to be determined as formathion)	Citrus fruits	0.2	
		Other fruits	1.0	
		Vegetables	2.0	
		Peppers and Tomatoes	1.0	
27.	Monocrotophos	Foodgrains	0.025	
		Milled foodgrains	0.006	
		Citrus fruits	0.2	
		Other fruits	1.0	
		Carrot, Turnip, Potatoes and Sugar beet	0.05	

* Soluble in water and hence not necessary to mention on fat basis

11. *Ins.* by Noti. No. GSR 851(E), dt. 13-6-1986 (w.e.f. 13-6-1987).

(1)	(2)	(3)	(4)
		Onion and Peas	0.1
		Other Vegetables	0.2
		Cotton seed	0.1
		Cottonseed oil (raw)	0.05
		*Meat and Poultry	0.02
		Milk and Milk products	0.02
		Egg	0.02 (shellfree basis)
		Coffee (raw beans)	0.1
28.	Paraquat—Dichloride (Determined as paraquat cations)	Foodgrains	0.1
		Milled foodgrains	0.025
		Potatoes	0.2
		Other vegetables	0.05
		Cotton seed	0.2
		Cottonseed oil (edible refined)	0.05
		*Milk (whole)	0.01
		Fruits	0.05
29.	Phosalone	Pears	2.0
		Citrus fruits	1.0
		Other fruits	5.0
		Potatoes	0.1
		Other vegetables	1.0
		Rapeseed/Mustard oil (crude)	0.05
30.	Trichlorfon	Foodgrains	0.05
		Milled foodgrains	0.0125
		Sugar beet	0.05
		Fruits and vegetables	0.1
		Oil seeds	0.1
		Edible oil (refined)	0.05
		*Meat and Poultry	0.1
		*Milk (whole)	0.05
31.	Thiometon (Residues determined as thiometon, its sulfoxide and sulphone expressed as thiometon)	Foodgrains	0.025
		Milled foodgrains	0.006
		Fruits	0.5
		Potatoes, Carrots and Sugar beets	0.05
		Other vegetables	0.5

* Soluble in water and hence not necessary to mention on fat basis.

(1)	(2)	(3)	(4)	
[12][32.	Acephate	Safflower seed	2.0	
		Cotton seed	2.0	
33	Methamido-phos (A metabolite of Acephate)	Safflower seed	0.1	
		Cotton seed	0.1	
34.	Aldicarb (sum of Aldicarb, its sulphoxide and sulphone, expressed as Aldicarb)	Potato	0.5	
		Chewing Tobacco	0.1	
35.	Atrazine	Maize	[Nil][13]	
		Sugarcane	0.25	
36.	Carbendazim	Foodgrains	0.50	
		Milled foodgrains	0.12	
		Vegetables	0.50	
		Mango	2.00	
		Banana (whole)	1.00	
		Other fruits	5.00	
		Cotton seed	0.10	
		Groundnut	0.10	
		Sugar beet	0.10	
		Dry fruits	0.10	
		Eggs	0.10	(shell-free basis)
		Meat & Poultry	0.10	(carcass fat basis)
		Milk & Milk products	0.10	(fat basis)
37.	Benomyl	Foodgrains	0.50	
		Milled foodgrains	0.12	
		Vegetables	0.50	
		Mango	2.00	
		Banana (whole)	1.00	
		Other fruits	5.00	
		Cotton seed	0.10	
		Groundnut	0.10	
		Sugar beet	0.10	
		Dry fruits	0.10	
		Eggs	0.10	(shell-free basis)
		Meat & Poultry	0.10	(carcass fat basis)
		Milk & Milk products	0.10	(fat basis)
38.	Captan	Fruit & Vegetable	15.00	

12. *Ins.* by Noti. No. GSR 445(E), dt. 16-4-1990 (w.e.f. 16-4-1990).
13. *Subs.* for "0.25" by Noti. No.GSR 791(E), dt. 12-9-1995 (w.e.f. 13-12-1995).

(1)	(2)	(3)		(4)
39.	Carbofuran (sum of carbofuran and 3-hydroxy carbofuran expressed as carbofuran)	Foodgrains	0.10	
		Milled foodgrains	0.03	
		Fruit & Vegetable	0.10	
		Oil seeds	0.10	
		Sugarcane	0.10	
		Meat & Poultry	0.10	(carcass fat basis)
		Milk & Milk products	0.05	(fat basis)
40.	Copper Oxychloride (determined as Copper)	Fruit	20.00	
		Potato	1.00	
		Other vegetables	20.00	
41.	Cypermethrin (sum of isomers) (fat soluble residue)	Wheat grains	0.05	
		Milled wheat grains	0.01	
		Brinjal	0.20	
		Cabbage	2.00	
		Bhindi	0.20	
		Oil seeds except groundnut	0.20	
		Meat & Poultry	0.20	(carcass fat basis)
		Milk & Milk products	0.01	(fat basis)
42.	Decamethrin/Deltamethrin	[14][Foodgrains	0.50	
		Milled Foodgrains	0.20]	
43.	Edifenphos	Rice	0.02	
		Rice bran	1.00	
		Eggs	0.01	(shell-free basis)
		Meat & Poultry	0.02	(carcass fat basis)
		Milk & Milk products	0.01	(fat basis)
44.	Fenthion (sum of fenthion, its oxygen analogue and their sulphoxides and sulphones, expressed as fenthion)	Foodgrains	0.10	
		Milled foodgrains	0.03	
		Onion	0.10	
		Potatoes	0.05	
		Beans	0.10	
		Peas	0.50	
		Tomatoes	0.50	
		Other vegetables	1.00	
		Musk melon	2.00	
		Meat & Poultry	2.00	(carcass fat basis)
		Milk & Milk products	0.05	(fat basis)

14. *Subs.* by Noti. No. GSR 106(E), dt. 22-2-1994 (w.e.f. 22-2-1994).

(1)	(2)	(3)	(4)
45.	Fenvalerate (fat soluble residue)	Cauliflower	2.00
		Brinjal	2.00
		Okra	2.00
		Cotton seed	0.20
		Cottonseed oil	0.10
		Meat & Poultry	1.00 (carcass fat basis)
		Milk & Milk products	0.01 (fat basis)
46.	Dithiocarbamates (the residue tolerance limit are determined and expressed as mg/CS_2/kg and refer separately to the residues arising from any or each groups of dithiocarbamates	Foodgrains	0.20
		Milled foodgrains	0.05
		Potatoes	0.10
		Tomatoes	3.00
		Cherries	1.00
		Other fruits	3.00
	(*a*) Dimethyl dithiocarbamates residue resulting from the use of ferbam or Ziram, and		
	(*b*) Ethylene bis-dithiocarbamates resulting from the use of mancozeb, maneb or Zineb (including zineb derived from nabam plus zinc sulphate)		
47.	Phenthoate	Foodgrains	0.05
		Milled foodgrains	0.01
		Oilseeds	0.03
		Edible oils	0.01
		Eggs	0.05 (shell free basis)
		Meat & Poultry	0.05 (carcass fat basis)
		Miik & Milk products	0.01 (fat basis)
48.	Phorate (sum of phorate, its oxygen analogue and their sulphoxides and sulphones, expressed as phorate)	Foodgrains	0.05
		Milled foodgrains	0.01
		Tomatoes	0.10
		Other vegetables	0.05
		Fruits	0.05

1	2	3	4	
		Oil seeds	0.05	
		Edible oils	0.03	
		Sugarcane	0.05	
		Eggs	0.05	(shell-free basis)
		Meat & Poultry	0.05	(carcass fat basis)
		Milk & Milk products	0.05	(fat basis)
49.	Simazine	Maize	[Nil][15]	
		Sugarcane	0.25	
50.	Pirimiphos-methyl	Rice	0.50	
		[Foodgrains except rice	5.00	
		Milled foodgrains except rice	1.00][16]	
		Eggs	0.05	(shell-free basis)
		Meat & Poultry	0.05	(carcass fat basis)
		Milk & Milk products	0.05	(fat basis)]

Explanation.—For the purposes of this rule :

(*a*) the expression "insecticide" shall have the meaning assigned to it in the Insecticides Act, 1968 (46 of 1968);

(*b*) unless otherwise stated—

(*i*) maximum levels are expressed in mg/kg on a whole product basis,

(*ii*) all foods refer to raw agricultural products moving in commerce.]]

[17][PART XV

SOLVENT EXTRACTED OILS AND EDIBLE FLOUR

66. Definition of solvent-extracted oils.—Solvent-extracted oils means any vegetable oil obtained from oil-bearing material by the process of extraction by a solvent.

15. *Subs.* for "0.13" by Noti. No.GSR 791(E), dt. 13-12-1995 (w.e.f. 13-12-1995).
16. *Subs.* for "wheat grains—5.00" and "Milled wheat grains—2.50" by Noti. No.GSR 791(E), dt. 13-12-1995 (w.e.f. 13-12-1995).
17. *Ins.* by Noti. No. GSR 992, dt. 4-6-1971.

67. **Conditions of manufacture, stock and sale of solvent-extracted oil.**—The manufacture, stock and sale of solvent-extracted oil shall comply with the following conditions, namely :

(1) The oil shall be manufactured only in factories licensed for the purpose under the Solvent-extracted Oil, De-oiled Meal and Edible Flour (Control) Order, 1967 (hereinafter referred to as the said Order in this Part).

(2) The oil-bearing materials subject to the extraction process for the manufacture of solvent-extracted oil, and the solvent used in the said process, shall conform to the standards of quality laid down in sub-clauses (7) and (8) of Clause 9 of the said Order.

(3) Only such grades and varieties of solvent-extracted oil may be manufactured, stocked or sold for the purpose of direct human consumption as have been permitted in sub-clause (1) of Clause 9 of the said Order, and for the purpose of refining for direct human consumption or for use in the manufacture of vanaspati as have been permitted in sub-clause (2) of Clause 9 of the said Order and these oils shall conform to the appropriate standards of quality prescribed therein.

(4) The oils shall be packed and labelled in accordance with the requirements under Clause 11 of the said Order.

(5) The sale of movement of stocks of solvent-extracted oils other than of the "refined" grade, that is to say, oil which has been neutralised, bleached and deodorised and conforms to the appropriate standards of quality of such oil, shall be governed by the provisions of sub-clause (3) of Clause 9 of the said Order. Such oil shall be sold or moved by the producer directly to industrial users thereof registered as such under the said Order, and not to any other person or through any third party.

68. **Definition of solvent-extracted edible flour.**—"Solvent-extracted edible flour" means the ground material obtained from specially prepared de-oiled meal, that is, the residual material left over when oil is extracted by a solvent from oil-cake immediately following the single-pressing of good quality edible oilseeds.

69. **Conditions of manufacture, stock and sale of solvent-extracted edible flour.**—The manufacture, stock and sale of solvent-extracted edible flour shall be subject to compliance with the following conditions, namely :—

(1) The edible flour shall be manufactured only in factories licensed for the purpose under the said Order.

(2) The de-oiled meal from which the edible flour is prepared, and the solvent used in the extraction process, shall conform to standards of quality laid down in sub-clauses (6) and (8) of Clause 9 of the said Order.

(3) Only such grades and qualities of edible flour may be manufactured as have been permitted in sub-clause (6) of Clause 9 of the said Order, and these shall conform to the appropriate standards of quality prescribed therein.

(4) The edible flour shall be packed and labelled in accordance with the requirements under Clause 11 of the said Order.]

[1][PART XVI

SEQUESTERING AND BUFFERING AGENTS (ACID BASES AND SALTS)

70. Definition of sequestering agents.—The sequestering agents are substances which prevent adverse effect of metals catalysing the oxidative breakdown of foods forming chelates ; thus inhibiting decolourisation, off taste and rancidity.

71. Definition of buffering agents.—Buffering agents are materials used to counter acidic and alkaline changes during storage or processing steps, thus improving the flavour and increasing the stability of foods.

72. Restrictions on the use of sequestering and buffering agents.—Unless otherwise provided in these rules the sequestering and buffering agents specified in column (1) of the Table below, may be used in the groups of food specified in the corresponding entry in column (2) of the said Table, in concentration not exceeding the proportions specified in the corresponding entry in column (3) of the said Table :

TABLE

Name of sequestering and buffering agents		Groups of food	Maximum level of use (parts per million) (ppm) (mg/kg)
	1	2	3
1.	Acetic Acid	(*i*) Acidulant, buffering and neutralising agents in beverages, soft drinks	Limited by G.M.P.
		(*ii*) In canned baby foods	5000
2.	Adipic acid	Salt substitute and dietary food	250
3.	[* * *][2]		
4.	[* * *][2]		
5.	Calcium gluconate	In confections	2500
6.	Calcium Carbonate	As a neutralizer in a number of foods	10,000
7.	Calcium oxide	As a neutralizer in specified dairy product	2500
8.	Citric acid Malic acid	Carbonated beverage and as an acidulant in miscellaneous foods	Limited by G.M.P.
9.	[* * *][2]		
10.	DL Lactic acid (food grade)	As acidulant in miscellaneous foods	Limited by G.M.P.
11.	Phosphoric acid	Beverages, soft drinks	600

1. *Ins.* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 15-11-1984).
2. *Omitted* by Noti. No. GSR 677(E), dt. 6-9-1994 (w.e.f. 6-9-1994) as corrected by Noti. No. GSR 54(E), dt. 7-2-1995 and Noti. No. GSR 613(E), dt. 4-9-1995.

1	2	3
12. Polyphosphate containing less than 6 phosphate mouties	(*a*) Processed cheese, bread	40,000
	(*b*) Milk Preparations	4000
	(*c*) Cake mixes	10,000
	(*d*) Protein foods	4000
13. L (+) Tartaric acid	Acidulants	600
[3][14. Calcium Disodium Ethylene, diamine tetra acetate	(*i*) Emulsions containing refined vegetable oils, eggs, vinegar, salt, sugar and spices ;	50]
	(*ii*) Salad dressing ;	
	(*iii*) Sandwich spread [4][or Fat spread]	
[5][15. Fumaric acid	As acidulant in miscellaneous foods	3000 ppm]

Note.—DL Lactic acid and L (+) Tartaric acid shall not be added to any food meant for children below 12 months. (The lactic acid shall also conform to the specification laid down by the Indian Standards Institution).]

[6][**72-A. Restriction on use of certain substances.**—The use of substances specified in column (1) in the food mentioned in column (2) of the Table given below shall not exceed the limit specified in column (3) of the said table, namely :

TABLE

Substances	Food	Maximum level of use (ppm) mg/kg
1	2	3
1. Ammonium Carbonate	Baked foods confections	5000
2. Ammonium Bicarbonate	-do-	GMP
3. Baking powder	Baked food	GMP
4. Ammonium Phosphate monobasic	Bread	2500
5. Ammonium persulphate	-do-	2500

3. *Ins.* by Noti. GSR 917(E), dt. 17-11-1987 (w.e.f. 17-11-1987) and corrected by Noti. No. G.S.R 366(E), dt. 23-3-1988.
4. *Ins.* by Noti. No. GSR 481, dt. 16-9-1993 (w.e.f. 2-10-1993).
5. *Ins.* by Noti. No. GSR 578(E), dt. 4-8-1995 (w.e.f. 4-8-1995).
6. *Ins.* by GSR 677(E), dt. 6-9-1994 (w.e.f. 6-9-1994) as corrected by GSR 54(E), dt. 7-2-1995.

1		2	3
6.	Calcium Phosphate	-do-	2500
7.	Calcium Carbonate	-do-	5000
8.	Potassium Bromate and/or Potassium Iodate	-do-	50
9.	Ammonium Chloride	-do-	500
10.	Fungal Alpha-amylase	-do-	100
11.	Sodium Stearoy 1-2 Lactylate of Calcium Stearoy 1-2 Lactylate (singly or in combination)	-do-	5000
12.	L-Cystein Mono Hydrocholoride	-do-	90
13.	Benzoyl Peroxide	Flour for bakery	40
14.	Potassium Bromate	-do-	20
15.	Ascorbic acid	-do-	200
16.	Gluconodelta Lactone	Cured meat or meat products	5000
17.	Chlorine	Flour for bakery	2000

72-B. Use of Glycerol Esters of Wood Resins (Ester Gum).—The use of glycerol ester of wood resins (ester gum) shall not exceed the maximum limit of 100 ppm. when used in carbonated water, flavour emulsions, soft drink concentrate.]

[7][PART XVII

IRRADIATION OF FOOD

[7][**73.** For the purpose of this chapter unless the context otherwise requires :

(*a*) 'Irradiation'' means any physical procedure, involving the intentional exposure of food to ionizing radiations.

(*b*) 'Irradiation facility' means any facility which is capable of being utilized for treatment of food by irradiation.

(*c*) 'Operator of irradiation facility' means any person appointed as such by licensee who satisfies the qualifications and requirements as for training specified in Schedule II of the Atomic Energy (Control of Irradiation of Food) Rules, 1991.

(*d*) 'Irradiated food' means articles of food subjected to radiation by :

(*i*) Gamma rays ;

(*ii*) X-rays generated from machine sources operated at or below an energy level of 5 million electron volts; and

(*iii*) Sub-atomic particles, namely, electrons generated from machine sources operated at or below an energy level of 10 million electron volts, to dose levels as specified in Schedule I of

7. *Ins.* by Noti. No. GSR 614(E), dt. 9-8-1994 (w.e.f. 9-8-1994) as corrected by Noti. No. GSR 60(E), dt. 7-2-1995.

the Atomic Energy (Control of Irradiation of Food) Rules, 1991.

74. Dose of Irradiation.—(1) Save as provided in sub-rule (2), no food shall be irradiated.

(2) No article of food permitted for irradiation specified in column 2 of the Table given below shall receive the dose of irradiation in excess of the quantity specified in column 3 of the said Table at the time of irradiation :—

Sl. No.	Name of Foods	Dose of Irradiation (KGY)		
		Minimum	Maximum	Overall average
1.	Onions	0.03	0.09	0.06
2.	Spices	6	14	10
3.	Potatoes	0.06	0.15	0.10

(3) Routine quantitative dosimentry shall be made during operation and record kept of such measurement as provided under Department of Atomic Energy (Control of Irradiation of Food) Rules, 1991.

75. Requirement for the Process of Irradiation.—(1) Approval of facilities.—No irradiation facility shall be used for the treatment of food unless such facility :—

(*a*) has been approved and licensed under the Atomic Energy (Control of Irradiation of Food) Rules, 1991.

(*b*) complies with the conditions for approval, operation, licence and process control prescribed under the Atomic Energy (Control of Irradiation of Food) Rules, 1991.

(*c*) carries out irradiation in accordance with the provisions of the Atomic Energy (Control of Irradiation of Food) Rules, 1991.

(2) Foods once irradiated shall not be re-irradiated unless specifically so permitted by the Licensing Authority for the irradiation process control purposes.

(3) No food/irradiated food shall leave the irradiation facility unless it has been irradiated in accordance with the provisions of Atomic Energy (Control of Irradiation of Food) Rules, 1991 and a certificate of irradiation indicating the dose of irradiation and the purpose of irradiation is provided by the competent authority.

76. Restrictions on Irradiation of Food.—(*a*) The irradiation shall conform to the dose limit and the radiation source to the specific conditions prescribed for each type or category of food specified for treatment by irradiation, under the Atomic Energy (Control of Irradiation of Food) Rules, 1991.

(*b*) Food which has been treated by irradiation shall be identified in such a way as to prevent its being subjected to re-irradiation.

(*c*) The irradiation shall be carried out only by personnel having the minimum qualifications and training as prescribed for the purpose under the Atomic Energy (Control of Irradiation of Food) Rules, 1991.

(*d*) Food once irradiated shall not be re-irradiated unless specifically so permitted under these rules.

77. **Record of Irradiation of Food.**—Any treatment of food by irradiation shall be recorded by an officer authorised by the competent authority as specified under the Atomic Energy (Control of Irradiation of Food) Rules, 1991 as follows :—

(*i*) Name of the article :

(*ii*) Licence No. :

(*iii*) Name, address and other details of Licensee :

(*iv*) Purpose of Irradiation :

(*v*) Source of Irradiation :

(*vi*) Date of Irradiation :

(*vii*) Dose of Irradiation :

(*viii*) Serial Number of Batch :

(*ix*) The nature, quality of food to be irradiated and the Batch number:

(*x*) Quantity of food irradiated :

(*xi*) Physical appearance of article : before and after irradiation :

(*xii*) Type of packaging used during the irradiation treatment and for packing the irradiated food.

78. **Standards of Irradiated Food.**—The irradiated foods shall comply with all the provisions of Prevention of Food Adulteration Act, 1954, and rules made thereunder specifying standards of such food.]

APPENDIX A

Forms

FORM I

[*See* Rule 4(1)]

Memorandum to the Director, Central Food Laboratory

From

. . . . . .

. . . . . .

To

The Director,
Central Food Laboratory,
. . . . . .,
. . . . . .

No. . . . . Dated the . . . . . .

MEMORANDUM

1. I send herewith under the provisions of Section 13(2) of the Prevention of Food Adulteration Act, 1954, sample(s) of a food purporting to be. . . . . for test or analysis and request that a report on the result of the test or analysis may be supplied to this Court :

(1) Distinguishing No. on the container and outer covering . . . . . .

(2) Particulars of offence alleged . . . . . .

(3) Matter on which opinion required . . . . . .

[8][2. A fees of Rs. 200 for analysis of the sample is enclosed vide Demand Draft for Rs. 200 drawn in favour of the Pay and Accounts Officer, Central Food Laboratory, Directorate General of Health Services, Calcutta payable at Bank of Baroda, 4, India Exchange Place, Calcutta-700 001. The Director, Central Food Laboratories, on receipt of the Demand Draft from the Court shall immediately send the same to the Central Food Laboratory, 3, Kyd Street, Calcutta-700016 for deposition in respective Receipt Head.]

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8. *Subs.* by Noti. No. GSR 91(E), dt. 24-2-1995 (w.e.f. 24-8-1995).

3. A copy of the memorandum and the specimen impression of the seal used to seal the container and the cover are sent separately by Registered Post.

[9][Magistrate 1st Class/Presidency Magistrate.]

[10][FORM I-A

[*See* Rule 4(1)]

From : . . . . . .

To,

The Director,
Central Food Laboratory,

No. . . . . Dated the . . . . . .

MEMORANDUM

1. I send herewith under the provisions of Section 6(2) of Prevention of Food Adulteration Act, 1954, or clause (*a*) of Rule 3 of Prevention of Food Adulteration Rules, 1955, sample(s) of a food purporting to be . . . . . for test or analysis and request that a report on the result of test or analysis may be supplied to the undersigned.

(1) Distinguishing No. on the container and outer covering.

(2) Matter on which opinion required.

[11][2. A fees of Rs. 200 for analysis of the sample is enclosed vide Demand Draft for Rs. 200 drawn in favour of the Pay and Accounts Officer, Central Food Laboratory, Directorate General of Health Services, Calcutta payable at Bank of Baroda, 4, India Exchange Place, Calcutta-700 001. The Director, Central Food Laboratories, on receipt of the Demand Draft from the Court shall immediately send the same to the Central Food Laboratory, 3, Kyd Street, Calcutta-700 016 for deposition in respective Receipt Head.]

3. A copy of memorandum and the specimen impression of the seal used to seal the container and the cover are sent separately by Registered Post.

Customs Collector/Authorised Officer
(Seal)

---

9. *Subs.* by Noti. No. SRO 2755, dt. 20-11-1956.
10. *Ins.* by Noti. No. GSR 618(E), dt. 16-5-1988 (w.e.f. 16-11-1988) as corrected by Noti No. GSR 855(E), dt. 12-8-1988.
11. *Subs.* by Noti. No. G.S.R. 91(E), dt. 24-2-1995 (w.e.f. 24-8-1995).

[26][FORM II

[*See* Rule 4(5)]

Certificate of test or analysis by the Central Food Laboratory

Certificate No.....

Certified that the sample(s), bearing number..... purporting to be a sample/samples of.....received on..... with Memorandum No....., dated.....from..... was in a condition fit for analysis and has/have been tested/analysed and that the result/results of such test (s)/analysis is/are stated below :

.....

.....

[1][.....and I am of the opining that.....]

2. The condition of seals on the container and the outer covering on receipt was as follows :

Director
Central Food Laboratory.]

Place :

Date :

FORM III

[*See* Rule 7(3)]

Report of the Public Analyst

Report No.....

I hereby certify that I,..... Public Analyst for..... duly appointed under provision of the Prevention of Food Adulteration Act, 1954, received on the.....day of..... .....,19..... from ..... a sample of.....[1][bearing Code No. and Serial No..... of the Local (Health) Authority] for analysis, properly sealed and fastened, and that I found that seal intact and unbroken.

[2][The seal fixed on the container [3][and the outer cover] of the sample tallied with the specimen impression of the seal separately sent by the food inspector and the sample was in a condition fit for analysis.]

I further certify that [4][I have/had caused to be analysed the aforementioned sample, and declare the result of the analysis] to be as follows :

.....

.....

---

26. *Subs.* by Not . No. GSR 133, dt. 23-1-1973.
1. *Ins.* by Noti. No. GSR 293 (E), dt. 23-3-1985 (w.e.f. 24-9-1985).
2. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.
3. *Ins.* by Noti. No. GSR 1417, dt. 20-9-1976 (w.e.f. 2-10-1976).
4. *Subs.* by Noti. No. GSR 425, dt. 4-4-1960

and am of the opinion that.....
.....
.....
.....
.....
Signed this.....
day of....., 19

(Signature)
Public Analyst

Address.....
.....

FORM IV

(*See* Rule 10)

[5][To
(Name and address of the vendor)
.....
.....
.....]

Whereas†.....
intended for food which is in your possession appears to me to be adulterated/misbranded :

Now therefore under sub-section (4) of Section 10 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), I hereby direct you to keep in your safe custody the said sealed stock subject to such orders as may be issued subsequently in relation thereto.

Food Inspector
Area.....

Place :

Date :

†Here give the name of article of food.

[6][FORM IV-A

(*See* Rule 10)

Bond of Surety

Know all men by these presents that we (*i*).....
son of.....resident of.....and (*ii*).....
son of.....resident of.....proprietors/partners
of Messrs.....hereinafter called the Vendor (s) and (*iii*).....
son of.....resident of.....and (*iv*).....
son of.....resident of.....hereinafter called the surety/sureties are held and firmly borne unto the President of India/Governor of.....hereinafter called the Government in the sum of .....Rupees to be paid to the Government, for which payment will and truly to be made. We firmly bind ourselves jointly and severally by these presents.

---

5. *Ins.* by Noti. No. GSR 1211, dt. 9-12-1958.
6. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.

Signed this.....day of.....one thousand nine hundred and.....Whereas Shri.....Food Inspector has seized.....(Here, insert the description of materials together with number/quantity and total price) hereinafter referred to as the said article, from.....(specify the place) ;

And whereas on the request of the Vendor(s) the Government agreed to keep the said article in the safe custody of the Vendor(s) on the condition of the Vendor(s) executing a bond in the terms hereinafter contained and supported by surety/two sureties which the Vendor(s) has/have agreed to do.....Now the condition of the above wirtten obligation is such that if in the event of the Vendor(s) failure to produce intact the said article before such court or Authority and on such date(s) as may be specified by the said Food Inspector from time to time the Vendor(s) and/or the surety/sureties forthwith pay to the Government on demand and without a demur sum of.....rupees the said bond will be void and of no effect. Otherwise the shall be and remain in full force and virtue.

These presents further witness as follows :

(*i*) The liability of the surety/sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance, act or omission of the Government whether with or without the knowledge or consent of the sureties or either of them in respect of or in relation to all or any of the obligations or conditions to be performed or discharged by the Vendor(s). Nor shall it be necessary for the Government to sue the Vendor(s) before suing the sureties or either of them for the amount due hereunder.

(*ii*) This bond is given under the Prevention of Food Adulteration Act, 1954 for the performance of an act in which the public are interested.

(*iii*) The Government shall bear the stamp duty payable on these presents.

In witness whereof these presents have been signed by the Vendor(s) and the surety/sureties the day herein above mentioned and by Shri.....on behalf of the President of India on the date appearing below against his signature.

Witnesses :

1. .....(Signature)
(Name and address).....
.....

2. .....(Signature)
(Name and address).....
.....

Signature.....
(Vendor)

Signature.....
(Vendor)

Signature.....
(Surety)

Signature.....
(Surety)

for and on behalf of the President of India/Governor of.....

Signature.....

(Name and designation).....
.....]

FORM V

(*See* Rule 11)

[7][To

(Name and address of the Vendor)

.....

.....

.....].

The stock of articles of food detailed below has this day been seized by me under the provisions of sub-section (4) of Section 10 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), from the premises of.....
.....
situated at.....
.....

Details of article of food seized.

Food Inspector
Area.....

Place:
Date

FORM VI

(*See* Rule 12)

To

.....

.....

I have this day taken from the premises of.....
situated at.....samples of the food specified below to have the same analysed by the public analyst, for.....

Details of food.

[8][Code Number and Serial Number of Local (Health) Authority]

Food Inspector
Area.....

Place:

Date:

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7. *Ins.* by Noti. No. GSR 1211, dt. 9-12-1958.
8. *Ins.* by Noti. No. GSR 618(E), dt. 16-5-1988 (w.e.f. 16-11-1988), as corrected by Noti. No. GSR 855(E), dt. 12-8-1988.

[9][FORM VI-A

(*See* Rule 12-A)

Form of Warranty

Invoice No..... Place..... ...

From..... Date.....

To.....

Date of Sale	Nature and quality of article/Brand Name, if any	Batch No. or Code No.	Quantity	Price
1	2	3	4	5

I/We hereby certify that food/foods mentioned in this invoice is/are warranted to be of the nature and quality which it/these purports/purport to be.

Signature of manufacturer/ distributors/dealer

Name and Address of Manufacturer/Packer in case of packed article

Licence No..... (wherever applicable).]

[10][FORM VI-B

(*See* Rule 44-B)

Declaration

I/We on behalf of.....

.....solemnly declare that the ghee sold by me/us/on behalf of.....

.....

ghee used by me/us/on behalf of.....

.....

.....in the preparation of.....

.....

.....

.....

Confectionery (including sweetmeats)

is/was from a tin containing ghee of..... origin and having 'AGMARK' seal. The said tin pertains to batch number .....and was purchased by me/us/on behalf of..... from Shri/Shrimati/Kumari/Sarvsri,.....

.....

on the.....as per invoice/cash/credit memo. No....., dated.....

Signature of trader/traders.]

Date.....

Place.....

9. *Subs.* by GSR 618(E), dt. 16-5-1988 (w.e.f. 16-11-1988) as corrected by Noti. No. GSR 855(E), dt. 12-8-1988.

10. *Ins.* by Noti. No. GSR 1134, dt. 5-9-1961.

FORM VII

(*See* Rule 17)

Memorandum to Public Analyst

From

.....

.....

To

The Public Analyst,

.....

.....

No. Dated the , 19

MEMORANDUM

The sample described below is sent herewith for analysis under clause (*b*) of sub-section (1) of Section 10 and/[11][or clause (*c*)(*i*) of sub-section (1) of Section 11 of the Prevention of Food Adulteration Act, 1954].

[12][1. Code No. and Serial No. of Local (Health) Authority.]

2. [13][* * *].

3. Date and place of collection.

4. Nature of article submitted for analysis.

5. Nature and quantity of preservative, if any, added to the sample.

2. A copy of this memo, and specimen impression of the seal used to seal the packet of sample is being sent separately by [14][* * *] post/hand.†

Food Inspector

Area..... ...

†Strike out whichever is not applicable.

[15][FORM VIII

(*See* Rule 12-B)

Nomination of Persons by a Company

Notice is hereby given that Shri/Smt..... Director/Manager of the.....(name of the company) has been nominated by the company by a Resolution passed at their meeting held on.....at.....to be in charge of, and responsible to, the said company for the conduct of the business of the said company or.....

11. *Subs.* by Noti. No. GSR 367 (E), dt. 23-3-1988 (w.e.f. 24-6-1988).

12. *Subs.* by Noti. No GSR 293 (E), dt. 23-3-1985 (w.e.f. 24-9-1985).

13. *Omitted* by GSR 618(E), dt. 16-5-1988 (w.e.f. 16-11-1988).

14. *Omitted* by Noti. No. SRO 2755, dt. 20-11-1956.

15. *Ins.* by Noti. No. GSR 4 (E), dt. 4-1-1977 (w.e.f. 4-1-1977).

establishment/branch/unit thereof and authorised to exercise all such powers and take all such steps as may be necessary or expedient to prevent the commission by the said company of any offence under the Prevention of Food Adulteration Act, 1954.

A certified copy of the said Resolution is enclosed.

Place..... Managing Director/Secretary of

Date..... (name of the company)

Note.—Score out the portion which is not applicable.

I accept the above nomination in pursuance of sub-section (2) of Section 17 of the Prevention of Food Adulteration Act, 1954 and Rule 12-B of the rules made thereunder.

Place..... Signature of Director/Manager

Date .....

I hereby acknowledge receipt of the above nomination.

Place..... Signature of the Local (Health)

Date ..... Authority.]

APPENDIX B

(*See* Rule 5 and Notes thereunder)

[See also Note regarding addition of water generally, at the end of Appendix B.]

Definitions and Standards of Quality

A.01. BEVERAGES—NON-ALCOHOLIC :

[16][A.01.01—CARBONATED WATER means potable water impregnated with carbon dioxide under pressure and may contain any of the following singly or in combination :

Sugar, liquid glucose, dextrose monohydrate, invert sugar, fructose, honey, saccharin not exceeding 100 p. p. m., fruits and vegetables extractives and permitted flavouring, colouring matter, preservatives, emulsifying and stabilizing agents, citric acid, [17][fumaric acid and sorbitol,] tartaric acid, phosphoric acid, lactic acid, ascorbic acid, malic acid, [18][edible gums such as guar, karaya, arabic, carobean, furcellaran, tragacanth, gum ghatti], edible gelatin, albumin, licorice and its derivatives, salts of sodium, calcium and magnesium, vitamins, caffeine not exceeding 200 parts per million, [18a][Estergum (Glycerol ester of wood rosin) not exceeding 100 parts per million,] and quinine salts not exceeding 100 parts per million (expressed as quinine sulphate) :

Provided that in the case of sweetened carbonated waters other than tonic water and dry gingerale the percentage of [19][total sugars expressed as sucrose] shall not be less than five.]

[18a][It shall conform to the following requirements, namely :—

(1)	Total plate count per ml not more than ..	50
(2)	Coliform count in 100 ml ..	0
(3)	Yeast and mould count per ml not more than ..	2

Provided further estergum used in carbonated water shall have the following standards, namely :—

Glycerol esters of wood rosins commonly known as Estergum is hard yellow to pale amber coloured solid. It is a complex mixture of tri and

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16. *Subs.* by Noti. No. GSR 74, dt. 31-12-1965.
17. *Ins.* by Noti. No. GSR 1417, dt. 20-9-1976 (w.e.f. 2-10-1976).
18. *Subs.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
18a. *Ins.* by Noti. No. GSR 124(E), dt. 5-3-1991 (w.e.f. 5-3-1991) as corrected by GSR 255(E), dt. 3-5-1991.
19. *Subs.* by Noti. No. GSR 63(E), dt. 5-2-1976.

diglycerol esters of rosin acids from wood rosin. It is produced by the esterification of pale wood rosin with food grade glycerol. It is composed of approximately 90 per cent resin acids and 10 per cent neutrals (non-acidic compounds). The resin acid fraction is a complex mixture of isomeric diterpenoid monocarboxylic acids having the typical molecular formula of C_{20} H_{30} O_2 chiefly abietic acid. The substance is purified by steam stripping or by counter-current steam distillation.

Identification

Solubility—Insoluble in water, soluble in acetone and in Benzene.

Infra Red Spectrum—Obtain the infra-red spectrum of a thin film of the sample deposited on a potassium bromide plate—Scan between 600 and 4000 wave numbers. Compare with typical spectrum obtained from pure Estergum.

Test for absence of Tall oil Rosin (Sulphur test)—Pass the test as given below:

When sulphur-containing organic compounds are heated in the presence of sodium formate, the sulphur is converted to hydrogen sulphide which can readily be detected by the use of lead acetate paper. A positive test indicates the use of Tall oil rosin instead of wood rosin.

Apparatus—Test Tube: Use a standard, 10×75 mm, heat-resistant, glass test tube—Burner, Bunsen: A small size burner of the microflame type is preferred.

Reagents—Sodium Formate Solution: Dissolve 20 g of reagent grade sodium formate, NaOOCH, in 100 ml of distilled water.

—Lead Acetate Test Paper: Commercially available from most chemical supply houses.

Procedure—Weigh 40-50 mg of sample into a test tube and 1-2 drops of sodium formate solution. Place a strip of lead acetate test paper over the mouth of the test tube. Heat the tube in the burner flame until fumes are formed that contact the test paper. Continue heating for 2-5 minutes. There must be no formation of a black spot of lead sulphide indicating the presence of sulphur containing compounds. Detection Limit: 50 mg/kg sulphur.

Drop softening point—Between 88°C and 96°C.

Arsenic—Not more than 3 ppm.

Lead—Not more than 10 ppm.

Heavy metals (as lead)—Not more than 40 ppm.

Acid value—Between 3 and 9.

Hydroxyl number—Between 15 and 45.]

Notes

If what is sold is "sweetened aerated water", then it must contain sucrose not less than 5 per cent or else it would not be in conformity with the standard of quality prescribed by this item and would have to be regarded as adulterated. But this requirement of sucrose content being not less than 5 per cent does not apply where what is sold is not "sweetened aerated water", but merely "aerated water" which may or may not contain sugar. [*Bhim Sen* v. *State of Punjab*, (1976) 1 SCC 141 : 1975 SCC (Cri) 771 : 1976 Cri LJ 293].

A.02. BAKING POWDER means a combination capable, under conditions of baking, of yielding carbon dioxide, and consists of sodium bicarbonate, and acid-reacting material, starch or other neutral material.

The acid-reacting material of baking powder shall be—

(*a*) tartaric acid or its salts, or both,

(*b*) acid salts of phosphoric acid, or

(*c*) acid compounds of aluminium, or

(*d*) any combination of the foregoing.

When tested, baking powder shall yield not less than 10 per cent of its weight of carbon dioxide.

A.03. STARCHY FOODS:

[20][A.03.01—ARROWROOT means the separated and purified starch from the rhizomes of the plants known as *Maranta arundinacea* or from *Curcuma augustifolia*.]

[21][A.03.02—SAGO shall mean small hard globules or pearls made from either the starch of the Sago palm or the tubers of tapioca (manihot utilissima) and shall be free from any extraneous matter [22][including natural colours].]

[23][It shall conform to the following standards, namely—

(*i*) total ash (on dry basis) shall not be more than 0·4 per cent;

(*ii*) ash insoluble in dilute hydrochloric acid (on dry basis) shall not exceed 0·1 per cent.]

[24][A.04. ASAFOETIDA (Hing or Hingra) means the oleo-gum-resin obtained from the rhizome and roots of *Ferula alliaces*, *Ferula rubricaulis* and other species of Ferula. It shall not contain any colophony resin, galbonum resin, ammoniaccum-resin, or any other foreign resin. Hing shall conform to the following standards, namely—

(1) Total ash content shall not exceed 15 per cent by weight.

(2) Ash insoluble in dilute hydrochloric acid shall not exceed 2·5 per cent by weight.

(3) The alcoholic extract (with 90 per cent alcohol) shall not be less than 12 per cent as estimated by the U. S. P. 1936 method.

(4) Starch shall not exceed 1 per cent by weight.

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20. *Subs.* by Noti. No. SRO 2755, dt. 20-11-1956.
21. *Subs.* by Noti. No. GSR 1211, dt. 9-12-1958.
22. *Added* by Noti. No. GSR 425, dt. 4-4-1960.
23. *Ins.* by Noti. No. GSR 74, dt. 31-12-1965.
24. *Subs.* by Noti. No. GSR 1256, dt. 17-8-1967.

Hingra shall conform to the following standards, namely—

(1) The total ash content shall not exceed 20 per cent by weight.

(2) Ash insoluble in dilute hydrochloric acid shall not exceed 8 per cent by weight.

(3) The alcoholic extract (with 90 per cent alcohol) shall not be less than 50 per cent as estimated by U. S. P. 1936 method.

(4) Starch shall not exceed 1 per cent by weight.]

[25][Compounded asafoetida or Bandhani Hing is composed of one or more varieties of asafoetida (Irani or Pathani Hing or both) and gum arabic, [1][edible starches or edible cereal flour.]

It shall not contain—

(*a*) colophony resin,

(*b*) galbanum resin,

(*c*) ammoniaccum-resin,

(*d*) any other foreign resin,

(*e*) coal tar dyes,

(*f*) mineral pigment,

(*g*) more than 10 per cent total ash content,

(*h*) more than 1·5 per cent ash insoluble in dilute hydrochloric acid,

(*i*) less than 5 per cent alcoholic extract, (with 90 per cent of alcohol) as estimated by the U. S. P. 1936 method.

Notes

Notification No. GSR 382 dated 9-3-1966 which *substituted* a new standard in place of old, must be given a retrospective operation. [*Sunder Lal* v. *Municipal Corporation, Delhi*, 1971 Cri LJ 154 (Del); *Rattan Lal* v. *State of Punjab*, AIR 1965 SC 444 and *Shyam Lal* v. *State*, 1968 ALJ 788 : AIR 1968 All 392 Rel on].

[2][A.05. SPICES AND CONDIMENTS:

(**Note.**—*See* Note regarding extraneous matters after item A.05.23 Page 568)

Notes

Condiment is an appetising and usually pungent substance of natural origin (as pepper, vinegar or mustard); any of various complex compositions having similar qualities (as curry or chilly powder, pickles or catsup). *Hansraj* v. *State*, 1977 Cri LJ 92 (Del), *relying on* Webster's New Third International Dictionary.

Chilly powder is a condiment and not a spice. *Hansraj* v. *State*, 1977 Cri LJ 92 (Del) *See also* 1978 Cri LJ 1166 (Bom).

A.05.01—CARAWAY (Siahjira) WHOLE means the dried seed of the plant Carum carvi (L). Extraneous matter including foreign edible seeds, chaff, stem, straw, dust, dirt, stones and lumps of earth shall not exceed 5 per cent by weight.

[3][The amount of insect damaged matter shall not exceed 5 per cent by weight. [4][It shall be free from added colouring matter.]

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25. *Subs.* by Noti. No. GSR 382, dt. 9-3-1966.
1. *Subs.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
2. *Subs.* by Noti. No. GSR 1533, dt. 8-7-1968.
3. *Ins.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).
4. *Ins.* by Noti. No. GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983).

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.01.01—CARAWAY (Siahjira) POWDER means the powder obtained from the dried seeds of Carum carvi (L). It may be in the form of small pieces of the seeds or in finely ground form. It shall conform to the following standards :

Moisture.....Not more than 13.0 per cent by weight.

Total ash.....Not more than 8.0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1.5 per cent by weight.

[4][It shall be free from added colouring matter.]

A.05.02—CARAWAY BLACK (Carum bulbocastanum) (Siahjeera) means the dried seeds of Carum bulbocastanum. It shall conform to the following standards :

Foreign edible seeds.....Not more than 5.0 per cent by weight.

Total ash.....Not more than 9.0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1.5 per cent by weight.

[5][The amount of insect damaged matter shall not exceed 5 per cent by weight.

[6][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.03—CARDAMOM (Chhoti Elachi) WHOLE means the dried, nearly ripe fruits of Elettaria cardamomum (L). The percentage of extraneous matter shall not exceed 5.0 per cent by weight. The cardamom seeds obtained from the capsules shall contain not less than 3.0 per cent (v/w) of volatile oil.

[5][The amount of insect damaged matter shall not exceed 5 per cent by weight.]

[6][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.03.01—CARDAMOM (Chhoti Elachi) SEEDS means the seeds obtained by separating the seeds from the capsules of Elettaria cardamomum (L). The percentage of extraneous matter in the seeds shall not exceed 2.0 per cent by weight. The seeds shall contain not less than 3.0 per cent (v/w) of volatile oil.

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5. *Ins.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).
6. *Ins.* by Noti. No. GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983).

[5][The amount of insect damaged matter shall not exceed 5 per cent by weight.

[6][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.03.02—CARDAMOM (Chhoti Elachi) POWDER means the powder obtained from the seeds separated from the capsules of Elettaria cardamomum (L). It may be in the form of small pieces of the seeds or in finely ground form. It shall conform to the following standards :

Moisture.....Not more than 14.0 per cent by weight.

Total ash.....Not more than 8.0 per cent by weight.

Volatile oil.....Not less than 3.0 per cent (v/w).

Ash insoluble in dilute HCl.....Not more than 3.0 per cent by weight.

[6][It shall be free from added colouring matter.]

A.05.04—CARDAMOM AMOMUM (Badi Elachi) WHOLE means the dried, nearly ripe fruit of Amomum subulatum Roxb, in the form of capsules. The proportion of calyx pieces, stalk bits and other extraneous matter shall not exceed 5.0 per cent by weight. The cardamom amomum seeds obtained from the capsules shall contain not less than 1.0 per cent (v/w) of volatile oil.

[7][The amount of insect damaged matter shall not exceed 5 per cent by weight.

[8][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.04.01—CARDAMOM AMOMUM (Badi Elachi) SEEDS means the seeds obtained by separating the seeds from the cardamom amomum capsules of Amomum subulatum Roxb. The percentage of extraneous matter in the seeds shall not exceed 2.0 per cent by weight. The seeds shall contain not less than 1.0 per cent (v/w) volatile oil.

[7][The amount of insect damaged matter shall not exceed 5 per cent by weight.

[8][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

Notes

Elachi dana (seeds) found insect infested and deficient in volatile oil—Defence of infect infestation occurring between seizure and test was untenable as the seizure was before the rainy season and article was not prone to infestation like atta or maida. [*Vijay Kumar* v. *State of Punjab*, (1974) 3 SCC 769 : 1974 SCC (Cri) 245 : (1974) 2 SCR 701 : 1974 Cri LJ 615].

Badi Elachi seeds are same as Badi Elachi. *Ibid.*

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7. *Ins.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).
8. *Ins.* by Noti. No. GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983).

A.05.04.02—CARDAMOM AMOMUM (Badi Elachi) POWDER means the powder obtained from the seeds separated from the capsules of Amomum subulatum Roxb. It may be in the form of small pieces of the seeds or in finely ground form. It shall conform to the following standards:

Moisture.....Not more than 14.0 per cent by weight.

Total ash.....Not more than 8.0 per cent by weight.

Volatile oil.....Not less than 1.0 per cent (v/w).

Ash insoluble in dilute HCl.....Not more than [9][3.0] per cent by weight.

[8][It shall be free from added colouring matter.]

A.05.05—CHILLIES (Lal mirchi) [9][WHOLE] means the dried ripe fruits or pods of Capsicum annum/Capsicum frutescens (L). The proportion of extraneous matter including calyx pieces, loose tops, dirt, lumps of earth, stones shall not exceed 5.0 per cent by weight. The pods shall be free from extraneous colouring matter, coating of mineral oil and other harmful substances.

[7][The amount of insect damaged matter shall not exceed 5 per cent by weight.

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.05.01—CHILLIES (Lal mirchi) POWDER means the powder obtained by grinding clean dried chilli pods of Capsicum frutescens L/Capsicum annum. The chilli powder shall be dry, free from dirt, mould growth, insect infestation, extraneous matter, added colouring matter [10][and flavouring matter. The chilli powder may contain any edible oil to a maximum limit of 2 per cent by weight under a label declaration for the amount and the nature of oil used.] The chilli powder shall conform to the following standards:

Moisture.....Not more than 12.0 per cent by weight.

Total ash.....Not more than 8.0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than [11][1.3] per cent by weight.

Non-volatile ether extract.....Not less than 12.0 per cent by weight.

Crude fibre.....Not more than 30.0 per cent by weight.

Notes

Where the sample of lal mirchi powder was found on analysis by Public Analyst to contain 9 living meal worms but the Public Analyst never stated that it was insect infested nor that it was unfit for human consumption on account of the presence of the meal worms, nor that it was otherwise unfit for human consumption, it was held that the prosecution had not established that the mirchi powder was adulterated. [*State* (*Delhi Administration*) v. *Puran Mal*, (1985) 2 SCC 589: 1985 SCC (Cri) 289: 1985 Cri LJ 921].

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9. *Corrected* by Notl. No. GSR 2163, dt. 2-10-1968.
10. *Subs.* by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).
11. *Corrected* by Notl. No. GSR 2163, dt. 2-10-1968.

[12][A.05.06—CINNAMON (Dalchini) whole means the dried pieces of the inner bark of Cinnamomum zeylanicum Blume. It shall not contain any other foreign vegetable matter or colouring matter. It shall contain not less than 0.5 per cent (v/w) of volatile oil].

[13][The amount of insect damaged matter shall not exceed 5 per cent by weight.

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

Notes

Dalchini or Chini Dalchini.—A glance at Items A.05.06 and A.05.06.01 would show that the percentage of the various ingredients such as ash, insoluble in HCl, or volatile oil or moisture is the sample in question, cannot be ascertained with any degree of accuracy by mere ocular examination under a microscope. Chemical tests, including treatment of the ash in the sample with Hydrochloric Acid would be a must. Since in the instant case, the sample was not subjected to any chemical test or analytical process, the opinion of the Public Analyst was not entitled to any weight whatever. [*Jagdish Chandra* v. *State of U. P.*, (1982) 1 SCC 350 : 1982 SCC (Cri) 221 : AIR 1981 SC 1233 : (1981) 1 FAC 33].

A.05.06.01—CINNAMON (Dalchini) POWDER means the powder obtained by grinding the dried inner bark of Cinnamomum zeylanicum [12][Blume]. The cinnamon powder shall conform to the following standards :

Moisture.....Not more than 12.0 per cent by weight.

Total ash.....Not more than 8.0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 2.0 per cent by weight.

Volatile oil.....Not less than 0.5 per cent (v/w).

[14][It shall be free from added colouring matter.]

[15][A.05.06.02—CASSIA Taj (WHOLE) means dried pieces of bark of Cinnamomum cassia Blume, Syn. Cinnamomum arometicum. Nees (Chinese Cinnamon, or Cassia lignea). It shall not contain any other foreign vegetable matter or colouring matter.]

[16][A.05.07—CLOVES (Laung) whole means the dried, unopened flower buds of Eugenia Carryophyllus (C. Sprengel) Bullock and Harrison. The inorganic extraneous matter shall not exceed 0·5 per cent by weight and the organic extraneous matter, which includes vegetable matter of plants other than cloves, tendril cloves (peduncle), mother cloves or other matters of plants of cloves, shall not exceed two per cent by weight. (Headless cloves shall not be considered as extraneous matter). The amount of insect damaged clove shall not exceed 1·0 per cent by weight.

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12. *Subs.* by Notl. No GSR 55(E), dt. 31-1-1979 (w.e.f 31-1-1979).
13. *Ins.* by Notl. No. GSR 1417, dt. 20-9-1976 (w.e.f. 2-10-1976).
14. *Ins.* by Notl. No. GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983).
15. *Ins.* by Notl. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
16. *Subs.* by Notl. No. GSR 803(E), dt. 27-10-1983 (w.e.f. 27-10-1983).

The cloves (on dry basis) shall contain not less than 15·0 per cent (v/w) of volatile oil. It shall be free from added colouring matter.

Explanation

(*i*) The term ''insect damaged clove'' means the cloves that are partially or wholly bored by insects.

(*ii*) The term 'headless cloves'' means cloves constituted only by the receptacle and sepals.]

A.05.07.01—CLOVES (Laung) POWDER means the powder obtained by grinding the dried unopened flower buds of [16][Eugenia Carryophyllus (C. Sprengel) Bullock and Harrison.] The cloves powder shall conform to the following standards :

Moisture.....Not more than 12·0 per cent by weight.

Total ash.....Not more than 7·0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 0·5 per cent by weight.

Volatile oil.....Not less than 15·0 per cent (v/w).

[17][It shall be free from added colouring matter.]

A.05.08—CORIANDER (Dhania) WHOLE means the dried mature fruits (seeds) of Coriandrum sativum (L). The proportion of extraneous matter including dust, dirt, stones, lumps of earth, chaff, stalk, stem or straw, edible seeds of fruits other than coriander and insect damaged seeds shall not exceed 8·0 per cent by weight.

[18][The amount of insect damaged matter shall not exceed 5 per cent by weight.

[17][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.08.01—CORIANDER (Dhania) POWDER means the powder obtained by grinding clean dried coriander fruits of Coriandrum sativum (L). It shall be in the form of a rough or fine powder. It shall conform to the following standards :

Moisture.....Not more than 12·0 per cent by weight.

Total ash.....Not more than 7·0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1·5 per cent by weight.

[17][It shall be free from added colouring matter.]

A.05.09—CUMIN (Safed jeera) WHOLE means the dried seeds of Cuminum cyminum (L). The proportion of extraneous matter including dust, stones,

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17. *Ins.* by Noti. No. GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983).

18. *Ins.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).

lumps of earth, chaff, stem or straw shall not exceed 7.0 per cent by weight. The proportion of edible seeds other than cumin seeds shall not exceed 5.0 per cent by weight.

[18][The amount of insect damaged matter shall not exceed 5 per cent by weight.

[19][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.09.01—CUMIN (Safed jeera) POWDER means the powder obtained by grinding the dried seeds of Cuminum cyminum L. The powder shall conform to the following standards:

Moisture.....Not more than 12.0 per cent by weight.

Total ash.....Not more than 9.5 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1.5 per cent by weight.

[19][It shall be free from added colouring matter.]

A.05.10—CUMIN BLACK (Kalonji) WHOLE means the dried seeds of Nigella sativa L. The proportion of extraneous matter including dust, dirt, stones, lumps of earth, chaff, stem or straw shall not exceed 7.0 per cent by weight. The proportion of edible seeds other than cumin black shall not exceed 5.0 per cent by weight.

[20][The amount of insect damaged matter shall not exceed 5 per cent by weight. [19][It shall be free from added colouring matter.]

Explanation—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.10.01—CUMIN BLACK (Kalonji) POWDER means the powder obtained by grinding the dried seeds of Nigella sativa L. The powder shall conform to the following standards:

Moisture.....Not more than 12.0 per cent by weight.

Total ash.....Not more than 7.0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1.5 per cent by weight.

Volatile oil.....Not less than 0.5 per cent (v/w).

[19][It shall be free from added colouring matter.]

A.05.11—FENNEL (Saunf) WHOLE means the dried ripe fruits of Foeniculum vulgare Mill. The proportion of extraneous matter including dust, dirt, stone, lumps of earth, chaff, stem or straw shall not exceed 5.0 per cent by weight. The proportion of edible seeds other than fennel shall not exceed 5.0 per cent by weight.

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19. *Ins.* by Noti. No. GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983).
20. *Ins.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).

[21][The amount of insect damaged matter shall not exceed 5 per cent by weight [22][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

Notes

Where the sample of saunf contained one living weevil and two rat droppings besides extraneous matter to the extent of 6.2%, the sample was adulterated. It was then for the accused to show that the fall in standard was solely due to natural causes beyond the control of human agency to bring the case within the proviso to clause (*m*) of Section 2(*i-a*). [*Kimti Lal* v. *State of Haryana*, 1984 (1) FAC 204 : 1984 Cri LJ 690].

Where the sample of saunf is insect infested to the extent of 7.29% the extent of insect damaged matter exceeds 5% by weight and the sample is adulterated. [*Bhagwan Das Taneja* v *State*, 1984 (2) FAC 176 : 1984 FAJ 419].

A.05.11.01—FENNEL (Saunf) POWDER means the powder obtained by grinding the dried ripe fruits of Foeniculum vulgare Mill. The powder shall conform to the following standards :

Moisture.....Not more than 12.0 per cent by weight.

Total ash.....Not more that 9.0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 2.0 per cent by weight.

Volatile oil.....[23][Not less than 1.0 per cent (v/w)].

[21][It shall be free from added colouring matter.]

A.05.12—FENUGREEK (Methi) WHOLE means the dried ripe seeds of Trigonella faonum-groecum L. The proportion of extraneous matter including dust, dirt, stones, lumps of earth, chaff, stem or straw shall not exceed 5.0 per cent by weight. The proportion of edible seeds other than fenugreek shall not exceed 5.0 per cent by weight.

[21][The amount of insect damaged matter shall not exceed 5 per cent by weight. [22][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.12.01—FENUGREEK (Methi) POWDER means the powder obtained by grinding the dried ripe seeds of Trigonella foenum-groecum L. The powder shall conform to the following standards :

Moisture.....Not more than 10.0 per cent by weight.

Total ash.....Not more than 7.0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 2.0 per cent by weight.

Cold water soluble extract.....Not less than 30.0 per cent by weight.

[22][It shall be free from added colouring matter.]

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21. *Ins.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 3-10-1976).
22. *Ins.* by Noti. No. GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983)
23. *Subs.* by Noti. No. GSR 55(E), dt. 31-1-1979 (31-1-1976).

A.05.13—GINGER (Sonth, Adrak) WHOLE means the rhizomes of Zingiber officinale Rose in pieces irregular in shape and size with peel not entirely removed, washed and dried in the sun. The proportion of extraneous matter shall not exceed 2.0 per cent by weight. It shall contain on dry basis not less than 1.0 per cent (v/w) of volatile oil. If the ginger is limed, the lime (Calcium oxide) content shall not exceed 4.0 per cent by weight on dry basis.

[24][The amount of insect damaged matter shall not exceed 5 per cent by weight. [25][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.13.01—GINGER (Sonth, Adrak) POWDER means the powder obtained by grinding ginger (Zingiber officinale Rose) whole. The powder shall conform to the following standards:

Moisture.....Not more than 13.0 per cent by weight.

Total ash.....Not more than 8.0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1.0 per cent by weight.

Water soluble ash.....Not less than 1.7 per cent by weight.

Cold water soluble extract.....Not less than 10.0 per cent by weight.

Calcium (as CaO).....Not more than 4.0 per cent by weight on dry basis.

Alcohol (90 per cent v/w) soluble extract.....Not less than 4.5 per cent by weight.

Volatile oil.....Not less than 1.0 per cent (v/w).

[25][It shall be free from added colouring matter.]

A.05.14—MACE (Jaepatri) WHOLE means the dried coat or arilus of the seed of Myristica Fragrans Houtt. It shall not contain the arilus of any other variety of Myristica nalabarica or Fatua (Bombay mace) and Myristica argentea (Wild mace). The proportion of extraneous matter shall not exceed 3.0 per cent by weight.

[24][The amount of insect damaged matter shall not exceed 5 per cent by weight. [25][It shall be free from added colouring matter.]

A.05.14.01—MACE (Jaepatri) POWDER means the powder obtained by grinding the dried coat or arilus of the seed Myristica fragrans Houtt. The powder shall conform to the following standards:

Moisture.....Not more than 10.0 per cent by weight.

Total ash.....Not more than 3.0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1.0 per cent by weight.

Crude fibre.....Not more than 10.0 per cent by weight.

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24. *Ins.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).
25. *Ins.* by Noti. No. GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983).

Non-volatile ether extract.....Not less than 20.0 and not more than 30.0 per cent by weight.

[25][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.15—MUSTARD (Rai, Sarson) WHOLE means the dried seeds of Brassica alba (L.) Boiss (Safed rai), Brassica compestris L. var. dichotoma (Kali Sarson), Brassica Compestris L. var. yellow Sarson, Syn. Brassica compestris L. var. glauca (Pili Sarson), Brassica compestris L. var. toria (Toria), Brassica Juncea (L.) Coss, et Czern (Rai, Lotni) and Brassica nigra (L.) Koch (Banarasi rai). The proportion of extraneous matter which includes dust, dirt, stones, lumps of earth, chaff, stem, straw, edible food-grains, edible oilseeds of any other variety or any other impurity shall not exceed 7.0 per cent by weight. It shall be free from seeds of Argemone Mexicana Linn.

[24][The amount of insect damaged matter shall not exceed 5 per cent by weight. [1][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

Notes

"Toria seed" belongs to the compestris variety of Brassica and hence the oil extracted from the seeds of the aforesaid Brassica would positively fall within the definition of "Mustard Oil". [*Jaswinder Singh* v. *Municipal Committee*, (1976) 3 SCC 635: 1976 SCC (Cri) 490].

A.05.15.01—MUSTARD (Rai Sarson) POWDER means the powder obtained by grinding the dried seeds of Brassica alba (L.) Boiss (Safed rai), Brassica compestris L. var. dichotoma (Kali Sarson), Brassica compestris L. var. (yellow Sarson), Syn. Brassica compestris L. var. glauca (Pili Sarson), Brassica compestris L. var. toria (Toria), Brassica juncea, (L.) Coss. et. Czern, (Rai, Lotni) and Brassica nigra (L.) Koch. (Benarasi rai). The powder shall conform to the following standards:

Moisture.....Not more than 7.0 per cent by weight.

Total ash.....Not more than 8.0 per cent by weight.

Volatile oil.....Not less than 0.25 per cent v/w.

Non-volatile ether extract.....Not less than 22.0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 2·0 per cent by weight.

Crude fibre.....Not more than 8.0 per cent by weight.

Starch.....Not more than 15.0 per cent by weight.

The test for argemone oil shall be negative.

[1][It shall be free from added colouring matter.]

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1. *Ins.* by Noti. No. GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983).

A.05.16—NUTMEG (Jaiphal) WHOLE means the dried seeds of Myristica fragrans Houtt. The proportion of extraneous matter and infestation shall not exceed 3.0 per cent by weight.

[1][It shall be free from added colouring matter.]

A.05.16.01—NUTMEG (Jaiphal) POWDER means the powder obtained by grinding the dried seeds of Myristica fragrans Houtt. The powder shall conform to the following standards:

Moisture.....Not more than 8.0 per cent by weight.

Total ash.....Not more than 5.0 per cent by weight.

Ash insoluble in dilute HCI.....Not more than 0.5 per cent by weight.

Non-volatile ether extract.....Not less than 25.0 per cent by weight.

Crude fibre.....Not more than 10.0 per cent by weight.

[1][It shall be free from added colouring matter.]

A.05.17—PEPPER BLACK (Kalimirch) WHOLE means the dried berries of Piper nigrum L. brown to black in colour with wrinkled surface. The proportion of extraneous matter including dust, stalks, leafy matter and other foreign matter shall not exceed 3.0 per cent by weight. The proportion by weight of light berries and pinheads shall not exceed 10.0 per cent and 4.0 per cent respectively.

[2][The amount of insect damaged matter shall not exceed 5 per cent by weight. [1][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.17.01—PEPPER BLACK (Kalimirch) POWDER means the powder obtained by grinding the dried berries of Piper nigrum L. and shall be without the addition of any other matter. The powder shall conform to the following standards:

Moisture.....Not more than 12.5 per cent by weight.

Total ash.....Not more than 8.0 per cent by weight.

Ash insoluble in dilute HCI.....Not more than 1.2 per cent by weight.

Non-volatile ether extract.....Not less than 5.5 per cent by weight.

Crude fibre.....Not more than 18.0 per cent by weight.

[1][It shall be free from added colouring matter.]

[3][A.05.17.02—LIGHT BLACK PEPPER.—Light Black Pepper means the dried berries of Piper nigrum L. dark brown to dark black in colour. It shall be well dried and free from mould or insects and shall not contain more than 6 per cent extraneous matters including dust, stone, lump of earth, stalks, leafy matters and other foreign edible seeds and 10 per cent pinheads.]

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2. *Ins.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).
3. *Ins.* by Noti. No. GSR 938, dt. 26-5-1971.

[1][It shall be free from added colouring matter.]

[4][A.05.17.03—PINHEADS.—Pinheads shall be wholly derived from the spikes of Piper nigrum. They shall be reasonably dry and free from insects. The colour shall be from dark brown to black. The extraneous matter shall not exceed 6 per cent.]

[5][It shall be free from added colouring matter.]

A.05.18.—POPPY (Khas-Khas) WHOLE means the the dried seeds of the ripe fruit of Papaver Somniferum L. The seed may be white or greyish in colour. The proportion of extraneous matter shall not exceed [6][5.0] per cent by weight. It shall contain not less than 40.0 per cent by weight of non-volatile ether extract.

[5][It shall be free from added colouring matter.]

[7][A.05.19—SAFFRON (Kesar) means the dried stigmata or tops of styles of Crocus sativus L. It shall not contain any foreign colouring matter or any other extraneous matter. It shall conform to the following standards :

1.	Total ash.	Not more than 8 per cent by weight.
2.	Ash insoluble in dilute HCI.	Not more than 1.5 per cent by weight.
3.	Volatile-matter at 103°± 1°C.	Not more than 14 per cent by weight.
4.	Aqueous extract.	Not less than 55 per cent by weight.
5.	Total Nitrogen (on dry weight basis).	Not less than 2 per cent by weight.
6.	Foreign matter such as sand, earth, dust, leaf, stem, chaff and vegetable matter.	Not more than 1 per cent.
7.	Floral waste defined as yellow filaments, pollen, stamens, parts of ovary and other parts of flowers of Crocus sativus Linn.	Not more than 15 per cent.

Saffron shall be free from living insects, moulds and shall be practically free from dead insects, insect-fragments and rodent contamination visible to naked eye.]

A.05.20—TURMERIC (Haldi) WHOLE means the dried rhizome or bulbous roots of the plant of Curcuma longa L. It shall be free from lead chromate and other artificial colouring matter. The proportion of extraneous matter shall not exceed 2.0 per cent by weight.

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4. *Ins.* by Noti. No. GSR 63(E), dt. 5-2-1976.
5. *Ins.* by GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983).
6. *Subs.* "500" for "15.0" by Corrigendum 1764, dt. 18-7-1969. The Rules published by the Department however show "5.0" which seems reasonably correct [Ed.].
7. *Subs.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 20-3-1977).

[8][The amount of insect damaged matter shall not exceed 5 per cent by weight.

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

A.05.20.01—TURMERIC (Haldi) POWDER means the powder obtained by grinding the dried rhizomes or bulbous roots of the plant of Curcuma longa L. It shall be free from artificial colouring matter. The powder shall conform to the following standards :

Moisture.....Not more than 13.0 per cent by weight.

Total ash.....Not more than 9.0 per cent by weight.

Ash insoluble in dilute HCl.....Not more than 1.5 per cent by weight.

Test for lead chromate.....Negative.

Total starch per cent by weight.....Not more than 60.0 per cent.

Notes

Where the Public Analyst had only indicated in his report that the sample contained 2.57 per cent ash insoluble in dilute HCl and the word "weight' had not been mentioned in the report, it would be presumed that the Public Analyst found the percentage by weight and there was no reason why he would find the percentage by any other method. [*Vishwanath* v. *State*, (1981) 1 FAC 16].

A.05.21—CURRY POWDER means the powder obtained from grinding clean, dried and sound spices belonging to the group of aromatic herbs and seeds such as black pepper, cinnamon, cloves, coriander, cardamom, chillies, cumin seeds, fenugreek, garlic, ginger, mustard, poppy seeds, turmeric, mace, nutmeg, curry leaves, white pepper, saffron and aniseeds. The material may contain added starch and edible common salt. The proportion of spices used in the preparation of curry powder shall be not less than 85.0 per cent by weight. The powder shall be free from dirt, mould growth and insect infestation. It shall be free from any added colouring matter and preservatives other than edible common salt. The curry powder shall also conform to the following standards :

Moisture.....Not more than [9][14.0] per cent by weight.

Volatile oil.....Not less than 0.25 per cent (v/w) on dry basis.

Non-volatile ether extract.....Not less than 7.5 per cent by weight on dry basis.

Edible common salt.....Not more than 5.0 per cent by weight on dry basis.

Ash insoluble in dilute HCl.....Not more than [9][2.0] per cent by weight on dry basis.

Crude fibre.....Not more than 15.0 per cent by weight on dry basis.

Lead.....Not more than 10.0 p.p.m. on dry basis.

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8. *Ins.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).
9. *Subs.* by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).

[10][11][* * *] [12][* * *]]

[13][A.05.21.01—MIXED MASALA (WHOLE) means a mixture of clean, dried and sound aromatic herbs and spices. It may also contain dried vegetables and/or fruits, oilseeds, garlic, ginger, poppy seeds and curry leaves. It shall be free from added colouring matter. It shall be free from mould growth and insect infestation. The proportion of extraneous matter shall not exceed five per cent by weight, out of which the proportion of organic matter including foreign edible seeds, and inorganic matter, shall not exceed three per cent and two per cent, respectively.

[14][* * *].

Notes

No standard is laid down for Chana Masala and it is not covered by curry powder. [*G. D. Verma* v. *State of Punjab*, 1986 (2) FAC 246; *State of Maharashtra* v. *G. S. More*, 1982 (1) FAC 371 (Kala Masala)]. Garam Masala and Chana Masala will now be covered by new item A.05.21.01.

A.05.22—ANISEED or Saunf imported means the dried ripe fruit of Pimpinella anisum. Foreign edible seeds or matter shall not exceed 5.0 per cent by weight. It shall conform to the following standards;

(*a*) Total ash.....Not more than 9 per cent by weight.

(*b*) Ash insoluble in dilute HCI.....Not more than 1.5 per cent by weight.

(*c*) Volatile oil.....Not less than 1.0 per cent (v/w).]

[15][The amount of insect damaged matter shall not exceed 5 per cent by weight.

[16][It shall be free from added colouring matter.]

Explanation.—The term 'insect damaged matter' means spices that are partially or wholly bored by insects.]

[17][A.05.23—AJOWAN (Bishop's weed) means the dried ripe seeds of Trachyspermum ammi (Linn) Sprague. The proportion of organic and inorganic extraneous matter shall not exceed 3 per cent and 2 per cent respectively. The seeds shall be free from living insects, insect fragments and rodent contamination visible to the eyes.]

[16][It shall be free from added colouring matter.]

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10. *Ins.* by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).
11. *Omitted* by Noti. No. GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983).
12. The words "the names of spices contained in the curry powder shall be given on the label in descending order of composition on weight/weight basis" have been *omitted* by Noti. No. GSR 422(E), dt. 29-4-1987 (w.e.f. 29-4-1989).
13. *Ins.* by Noti. No. GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983).
14. The words "the names of the spices contained in the mixture shall be indicated on the label in descending order of composition by weight" have been *omitted* by GSR 422(E), dt. 29-4-1987 (w.e.f. 30-4-1989).
15. *Ins.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).
16. *Ins.* by Noti. No. GSR 109(E), dt. 26-2-1983 (w.e.f 26-2-1983).
17. *Ins.* by Noti. No. GSR 133, dt. 23-1-1973.

[18][**Note.**—The extraneous matter wherever prescribed under this item shall be classified as follows :

(*a*) Organic extraneous matter such as chaff, stems, straw.

(*b*) Inorganic extraneous matter such as dust, dirt, stones and lumps of earth.

(2) Of the permitted extraneous matters in Items A.05.01, A.05.03, A.05.04, A.05.05, [* * *][19], A.05.08, A.05.09, A.05.10, A.05.11, A.05.12. A.05.14, A.05.15, A.05.16, A.05.17 and A.05.18 the inorganic extraneous matters shall not exceed 2 per cent by weight.]

NOTES

The standard prescribed totally excludes "foreign matters" though "extraneous matters", organic and inorganic, are permitted up to 3% and 2% respectively. Where the "inorganic extraneous matter" was 6.17% the sample was adulterated. [*State of Assam* v. *Dhanpat Sahu*, (1986) 3 FAC 135 : 1986 FAJ 479].

Standard of Ajowan is prescribed in Item A.05.23 and extraneous matter should not exceed 2 per cent by weight. Report showed that extraneous matter found in sample was 4.97% and was more than the prescribed limit of 2 per cent. Held, sample of Ajowan was adulterated. [*Babu Lal* v. *State of U.P.*, 1986 All LJ 1235 : (1986) 1 FAC 264 : 1986 FAJ 182.]

[19a][A.05.24—Dried Mango Slices.—Means the dried wholesome, edible part of raw mango fruit with or without the outer skin. It shall be free from fungus, moulds and insect infestation, rodent contamination, added colouring, flavouring matter. It shall also be free from deleterious substances injurious to health. It shall not contain any preservative except edible common salt which may be added to the extent of 5 per cent by weight on dry basis. It shall have characteristic taste and flavour. The proportion of extraneous substance shall not exceed 4 per cent by weight out of which inorganic matter shall not exceed 2 per cent by weight.

It shall also conform to the following standards, namely :—

Moisture—Not more than 12 per cent by weight.

Damaged Slices—Not more than 5 per cent by weight.

Seed Coatings—Not more than 6 per cent by weight.

Explanation :

(*i*) Seed coatings shall be exterior covering of the seed.

(*ii*) Damaged slices mean the slices that are eaten by weevils or other insects and includes slices internally damaged by fungus, moisture or heating.

A.05.25—Dried Mango Powder (Amchur).—Means the powder obtained by grinding clean and dried mango slices having characteristic taste and flavour. It shall be free from musty odour and objectionable flavour, rodent contamination, mould, fungus and insect infestation, extraneous matter and added colouring, flavouring matter. It shall also be free from deleterious substances injurious to health. It shall not contain any preservative except edible common salt which may be added to the extent of 5 per cent by weight on dry basis.

It shall also conform to the following standards, namely :—

(*a*) Moisture—Not more than 12 per cent by weight.

(*b*) Total ash (salt-free-basis)—Not more than 6 per cent by weight.

(*c*) Ash in soluble (in dilute HCL)—Not more than 1.5 per cent by weight.

(*d*) Crude fibre—Not more than 6 per cent by weight.

(*e*) Acidity ash anhydrous tartaric acid.—Not less than 12.0 per cent and not more than 26.0 per cent by weight.]

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18. *Ins.* by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).

19. Figures "A.05.07" *deleted* by Noti. No. 803(E), dt. 27-10-1983 (w.e.f. 27-10-1983).

19a. *Ins.* by G.S.R. 878, dated 17-11-1992 to come into force w.e.f. 17-5-1993 as corrected by GSR 509(E), dated 14-7-1993.

A.06.—BEAN means dry kidney shaped or flattened seeds of the leguminous varieties used as food, either whole or prepared as dall. It shall not contain hydrocyanic acid exceeding 20 parts per million as determined by A.O.A.C. Maceration method.

A.07.—SWEETENING AGENTS :

[20][A.07.01.—"PLANTATION WHITE SUGAR" (commonly known as sugar) means the crystallised product obtained from sugarcane or sugar beet. It shall be free from dirt, filth, iron filings and added colouring matter. Extraneous matter shall not exceed 0.1 per cent by weight. It shall also conform to the following standards, namely :—

(*a*) Moisture (when heated at 105°+1°C for 3 hours)	Not more than 0.5 per cent by weight.
(*b*) Sucrose	Not less than 98 per cent by weight.

Sulphur dioxide shall not exceed 70 parts per million.

A.07.01.01.—MISRI means the product made in the form of candy obtained from any kind of sugar or palmyrah juice. It shall be free from dirt, filth, iron filings and added colouring matter. Extraneous matter shall not exceed 0.1 per cent by weight. It shall also conform to the following standards, namely :—

(*a*) Total ash	Not more than 0.4 per cent by weight.
(*b*) Sucrose	Not less than 98.0 per cent by weight.

Sulphur dioxide, shall not exceed 70 parts per million.

A.07.01.02—"REFINED SUGAR" means the while crystallised sugar obtained by refining of plantation white sugar. It shall be free from dirt, filth, iron filings and added colouring matter. Extraneous matter shall not exceed 0.1 per cent by weight. It shall also conform to the following standard, namely :—

(*a*) Moisture (when heated at 105°+1°C for 3 hours)	Not more than 0.5 per cent by weight.
(*b*) Sucrose	Not less than 99.5 per cent by weight.

A.07.02—"KHANDSARI SUGAR" obtained from sugarcane juice by open pan process may be of two varieties, namely :—

(*i*) Khandsari Sugar Desi ; and

(*ii*) Khandsari Sugar (Sulphur) also known as "Sulphur Sugar".

It may be crystalline or in powder form. It shall be free from dirt, filth, iron filings and added colouring matter. Extraneous matter shall not exceed 0.25 per cent by weight. It may contain sodium bicarbonate (food grade). It shall also conform to the following standards, namely :—

	Khandsari Sugar (Sulphur Sugar)	Khandsari Sugar (Desi)
(*i*) Moisture (when heated at 105° + 1°C for 3 hours)	Not more than 1.5 per cent by weight.	Not more than 1.5 per cent by weight.
(*ii*) Ash insoluble in dilute hydrochloric acid	Not more than 0.5 per cent by weight.	Not more than 0.7 per cent by weight.

20. *Subs.* by Noti. No. GSR 916(E), dt. 17-11-1987 (w.e.f. 18-5-1988) and corrected by GSR 320(E), dt. 2-3-1988.

(*iii*) Sucrose	Not less than 96.5 per cent by weight.	Not less than 93.0 per cent by weight.
(*iv*) Sulphur dioxide	Not more than 150 parts per million.	Absent.

Note.—Khandsari sugar can be distinguished from plantation white sugar on the following characteristics, namely :—

	Khandsari Sugar	Sugar
(*a*) Conductivity (10^6 mho/cm^2)	100-300 in 5% solution at 30°C	Not more than 100 in 5% solution at 30°C.
(*b*) Calcium oxide (mg/100 gm)	Not more than 100	Not more than 50.

A.07.02.01—BURA SUGAR means the fine grain size product made out of any kind of sugar. It shall be free from dirt, filth, iron filings and added colouring matter. Extraneous matter shall not exceed 0.1 per cent by weight. It shall also conform to the following standards, namely :—

(*a*) Sucrose	Not less than 90.0 per cent by weight.
(*b*) Ash insoluble in dilute hydrochloric acid	Not more than 0.7 per cent by weight.

Sulphur dioxide, shall not exceed 150 parts per million.]

[21][A.07.03—HONEY means the food derived entirely from the work of bees operating upon the nectar of flowers and other sweet exudation of plants. It shall not contain more than (*a*) 25 per cent of moisture (*b*) 0.5 per cent ash and (*c*) 5 per cent of sucrose except in the case of Carbia callosa and Honey dew where the maximum sucrose content shall be 10 per cent. The minimum reducing sugar content (expressed as invert sugar) shall be 65 per cent except in the case of Carbia callosa and Honey dew where it shall be 60 per cent. Fructose/Glucose ratio shall not be less than [0.95][22] per cent. Fiehe's test should ordinarily be negative.]

[23][A.07.04.—ICE LOLLIES OR EDIBLE ICES means the frozen ice produce [24][which may contain sugar, syrup, fruit, fruit juices, cocoa, citric acid, permitted flavours and colours. It may also contain permitted stabilizers and/or emulsifiers not exceeding 0.5 per cent by weight.] It shall not contain any artificial sweetener.]

NOTES

When Appendix B item A.07.04 contemplates the taking of sample of frozen ice, a corresponding duty, is therefore, cast upon the Government department concerned to provide suitable containers for receiving those samples of frozen ice. Absence of such container affords no justification at all for taking the sample and meddling with it according to the whim of the Food Inspector by reducing it to a liquid form for the purpose of filling the sample in bottles. [*Nathi Lal* v. *State of U.P.*, (1980) 1 FAC 457, 458.]

[25][A.07.04.01.—ICE CANDY means the frozen ice produce [26][which may contain fruit, fruit juices, cocoa, nuts, citric acids permitted flavours and colours. It may also contain permitted stabilizers and/or emulsifiers not exceeding 0.5 per cent by weight.] It shall contain sugar not less than 10 per cent by weight. [27][The total sugar expressed as sucrose shall not be less than 10 per cent by weight]. It shall not contain any artificial sweetener.]

NOTES

Under Rule 44(*g*) an article of food which contains an artificial sweetener, except where such sweetener is permitted in accordance with the standard laid down in Appendix B, amounts to admixture of prohibited materials in that food. Rule 47 clearly sets out that saccharin or any other artificial sweetener is permitted in accordance with the standard laid down in Appendix B. Item A.07.04.01 prohibits the use of artificial sweetener in Ice Candy. Therefore, the addition of saccharin in Ice-Candy

21. *Subs.* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-2-1975).
22. *Subs.* by Noti. No. GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983).
23. *Subs.* by Noti. No. GSR 57(E), dt. 11-12-1982 (w.e.f. 11-2-1982) as corrected by GSR 307 (E), dt. 3-4-1982.
24. *Subs.* by Noti. No. GSR 816(E), dt. 3-11-1983 (w.e.f. 3-11-1983).
25. *Ins.* by Noti. No. GSR 57(E), dt. 11-2-1982 (w.e.f. 11-2-1982) as corrected by GSR 307 (E), dt. 3-4-1982.
26. *Subs.* by Noti No. GSR 816(E), 3-11-1983 (w.e.f. 3-11-1983).
27. *Ins.* by GSR 233(E), dt. 26-5-1996 (w.e.f. 20-11-1996).

in contravention of Appendix B, item A.07.04.01 is violative of Rule 44(*g*) and Rule 47 and the Manager of the 'Ice-Candy ' Factory is liable to be convicted under Sections 16 and 17(*v*). [*State of Assam* v. *Sunder Das Arora*, 1986 Cri LJ 341 : 1986 (1) FAC 190 ; *Ramisetty Laxmidas* v. *State of U. P.*, 1987 FAJ 480.]

[1][A.07.05.—GUR OR JAGGERY means the product obtained by boiling or processing juice pressed out of sugarcane or extracted from palmyra palm, date palm or cocount palm. It shall be free from substances deleterious to health and shall conform to the following analytical standards on dry weight basis :

(*i*) total sugars [2][expressed as invert sugar] not less than 90 per cent and sucrose not less than [3][60] per cent ;

(*ii*) extraneous matter insoluble in water not more than 2 per cent ;

(*iii*) total ash not more than 6 per cent ;

(*iv*) ash insoluble in hydrochloric acid (HCI) not more than 0.5 per cent.

Gur or jaggery other than that of the liquid or semi-liquid variety shall not contain more than 10 per cent moisture.]

[4][Gur or jaggery may contain sulphur dioxide in concentration not exceeding 70 parts per million.]

[5][Sodium bicarbonate, if used, for clarification purposes, shall be of Food Grade Quality.].

[6][[7][A.07.06.—CUBE SUGAR means the sugar in the form of cube or cuboid blocks manufactured from refined crystallised sugar. It shall be white in colour, free from dirt and other extraneous contamination. It shall conform to the following standards :

(*a*)	Sucrose	Not less than 99.7 per cent by weight.
(*b*)	Moisture	Not more than 0.25 per cent by weight.
(*c*)	Total ash	Not more than 0.03 per cent by weight.
(*d*)	Sulphur dioxide	Not more than 70 p.p.m.]

A.07.07.—DEXTROSE is a white or light cream granular powder, odourless and having a sweet taste.

When heated with potassium cupritartarate solution it shall produce a copious precipitate of cuprous oxide. It shall conform to the following standards :

Sulphated ash. . . . . .Not more than 0.1 per cent on dry basis.

Acidity. . . . . .5.0 gm dissolved in 50 ml. of freshly boiled and cooled water requires for neutralisation not more than 0.20 ml. of N/10 sodium hydroxide to phenolphthalein indicator.

Glucose. . . . . .Not less than 99.0 per cent on dry basis.

Sulphur dioxide content shall not exceed 70 p.p.m.

Notes.—(1) Glucose is same as dextrose, 1985 Cri LJ (NOC) 24 (Ker).

(2) 'Dextrose' and 'Glucose' are both made from carbohydrates, have the same chemical characteristics and formula and what is sold as 'Glucose' in the market is 'Dextrose' mentioned in Appendix B to Prevention of Food Adulteration Rules. There is no need for fixing separate standards for them [*Food Inspector, Corpration of Calicut* v. *P. C. Kochuni*, 1985 Cri LJ (NOC) 24 Ker : 1984 Ker LT 871 : 1984 (2) FAC 282: 1984 FAJ 502.

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1. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.
2. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.
3. *Subs.* by Noti. No. GSR 133, dt. 23-1-1973.
4. *Ins.* by Noti. No. GSR 74, dt. 31-12-1965.
5. *Ins.* by Noti No. GSR 57(E), dt. 11-2-1982 (w.e.f. 11-2-1982).
6. *Ins.* by Noti No. GSR 1533, dt. 8-7-1968 as corrected by GSR 2163, dt. 2-12-1968.
7. *Subs.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).

A.07.08.—GOLDEN SYRUP means the syrup obtained by inversion of sugar. It shall be golden yellow in colour, pleasant in taste and free from any crystallisation. It shall conform to the following standards:

Moisture.....Not more than 25.0 per cent by weight.

Total ash.....Not more than 2.5 per cent by weight.

Total sugar as invert sugar.....Not less than 72.0 per cent by weight.

Sulphur dioxide content shall not exceed 70.0 p.p.m.

[5][Sodium bicarbonate, if used, for clarification purposes, shall be of Food Grade Quality.]]

[8][A.07.08.1.—SYNTHETIC SYRUP OR SHARBAT means the syrup obtained by blending syrup made from sugar, dextrose or liquid glucose.

It may also contain fruit juice and other ingredients appropriate to the product. It shall be free from burnt or objectionable taints, flavours, artificial sweetening agents, extraneous matter and crystallization. It may contain citric acid, permitted colours, permitted preservatives and permitted flavouring agents. It shall also conform to the following standards namely:—

Total soluble solids:—Not less than 65 per cent by weight.]

[9][A.07.09.—ICING SUGAR means the sugar manufactured by pulverizing refined sugar or vacuum pan (plantation white) sugar with or without edible starch. Edible starch, if added, shall be uniformly extended in the sugar. It shall be in form of white powder, free from dust, or any other extraneous matter. It shall conform to the following standards:

(*a*) Total starch and sucrose (moisture free)	Not less than 99.0 per cent by weight.
(*b*) Moisture	Not more than 0.80 per cent by weight.
(*c*) Starch	Not more than [10][4.0] per cent by weight or dry basis.]

[11][A.07.10 —SACCHARIN SODIUM commonly known as soluble saccharin having an empirical formula as—C_7H_4 $NNaO_3S$. $2H_2O$ and molecular weight as 241.2 shall be the material which is soluble at 20°C in 1.5 parts of water and 50 parts of alcohol (95 per cent); and shall contain not less than 98.0 per cent and not more than the equivalent of 100.5 per cent of $C_7H_4O_3$ NSNa calculated with reference to the substance dried to constant weight at 105°C, assay being carried out as presented in Indian Pharmacopoeia. It shall not contain more than 2 p.p.m. of arsenic and 10 p.p.m. of lead. The melting point of saccharin isolated from the material as per Indian Pharmacopoeia method, shall be between 226°C and 230°C. The loss on drying of the material at 105°C shall not be less than 12.0 per cent and not more than 16.0 per cent of its weight.

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8. *Ins.* by Noti. No. GSR 605(E), dt. 24-7-1985 (w.e.f. 24-7-1985).
9. *Subs.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
10. *Subs.* for "5.0" by Noti. No. GSR 916(E), dt. 17-11-1987 (w.e.f 18-5-1988).
11. *Ins.* by Noti. No. GSR 938, dt. 26-5-1971.

The material shall satisfy the tests of identification and shall conform to the limit tests for free acid or alkali, ammonium compounds and parasulpha moylbenzoate as mentioned in the Indian Pharmacopoeia.]

Notes

The addition of saccharin to tea decoction is prohibited, A.07.10 prescribes only the standard for saccharin but it does not say that it can be added to any article of food. [*State* v. *K. R. Balakrishnan*, 1986 (1) FAC 384.]

When the report of the Public Analyst merely said that the sample of supari contained saccharin and, therefore, it was adulterated and did not indicate that the presence of saccharin in the sample was in breach of the standard prescribed, the accused cannot be held guilty of the offence under Section 16(1) r/w Section 7(*i*) and (*v*). [*Thummalapudi Venkata Gopala Rao* v. *State of A. P.*, 1968 Cri LJ 1699 : 1986 (3) FAC 90 : 1987 FAJ 142.]

Where the sample of sugar taken from a tea shop, on analysis was found to contain 0.2 per cent Ash, 96.0 per cent total sugar as cane sugar 14 mgm per 100 gms, saccharin, the sample was held to be adulterated. [*Food Inspector, Calicut Corpn.* v. *C. Gopalan*, (1972) 2 SCC 322 : AIR 1971 SC 1725 : 1971 Cri LJ 277.]

[12][A.07.11.—DRIED GLUCOSE SYRUP means the material in the form of coarse or fine white to creamish white powder, sweet to taste, bland in flavour and somewhat hygroscopic. It shall be free from fermentation evidence of mould growth, dirt or other extraneous matter, or added sweetening or flavouring agent.

It shall also not contain any added natural or coaltar food colour. It shall conform to the following standards :—

(*a*)	Total solid content :	Not less than 93.0 per cent by wt.
(*b*)	Reducing sugar content	Not less than 20.0 per cent by wt.
(*c*)	Sulphated ash :	Not more than 1.0 per cent by wt.
(*d*)	Sulphur dioxide :	Not more than 40 p.p.m. Sulphur dioxide may be present in an amount not exceeding 150 p.p.m. if the product is intended for manufacture of confectionery to be sold under a label as specified under Rule 42(X).]

[12a][A.07.12—ASPARTYL PHENYL ALANINE METHYL ESTER commonly known as Aspertame, having empirical formula as C_{14} H_{18} N_2 O_5 and molecular weight as 294.31, shall be the material which is slightly soluble in water and Methanol. It shall contain not less than 98 per cent and not more than 102 per cent of Aspertame on dried basis. It shall not contain more than 3 ppm of Arsenic and 10 ppm of Lead.

The loss on drying of the material at 105°C for 4 hours shall not be more than 4 3 per cent of its weight. The sulphate ash shall not be more than 0.2 per cent. It shall not contain more than 1 per cent of diketopiperazine.]

A.08.—COFFEE :

A.08.01.—(1) Coffee (green, raw or unroasted) means the seed of Coffea arabica, [13][Coffea liberica, Coffea excelsa or Coffea robusta] freed from all but a small portion of its spermodern by decortication.

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12. *Ins.* by Noti. No. GSR 57(E), dt. 11-2-1982 (w.e.f. 11-2-1982), as corrected by GSR 307(E), dt. 3-4-1982.
12a. *Ins.* by Noti. No. GSR 454(E), dt. 15-4-1988 (w.e.f. 15-4-1988), as corrected by GSR 1157(E), dt. 9-12-1988.
13. *Subs.* by Noti. No. GSR 992, dt. 4-6-1971.

(2) Roasted coffee means properly cleaned green coffee which has been roasted to a brown colour and has developed its characteristic aroma.

(3) Ground coffee means the powdered product obtained from 'roasted coffee' only and shall be free from husk.

(4) Coffee (green, raw or unroasted), 'roasted coffee' and 'ground coffee' shall be free from any artificial colouring, flavouring, facing, extraneous matter or glazing substance and shall be in sound, dry and fresh condition free from rancid or obnoxious flavour.

(5) [14][* * *] 'Roasted coffee' and 'ground coffee' shall conform to the following analytical standards:

(*i*) Total ash (determined on the sample dried to constant weight at 100°C), shall be feathery white or bluish-white in colour [15][and shall be not less than 3.0 per cent and not more than 7.0 per cent by weight] of which not less than 65 per cent shall be soluble in boiling distilled water. The ash insoluble in hot dilute HCl shall not be more than 0.1 per cent.

(*ii*) The alkalinity of [16][the soluble ash] per gram of dried coffee shall be equivalent to not less than [17][3.5] ml. and not more than [17][4.5] ml. of N/10 acid.

(*iii*) The caffeine content as obtained by standard methods, shall be not less than [18][1.0] per cent.

(*iv*) The aqueous extract (determined by extraction of 2 grams or the sample dried to constant weight at 100°C with 100 ml. of boiling distilled water for one hour under reflux) shall be not less than [19][26·0] per cent and not more than [19][35·0] per cent.

[20][A.08.02.—CHICORY means the roasted chicory powder obtained by roasting the cleaned and dried roots of Chicorium intybus Lin with or without the addition of edible fats and oils or sugar like glucose or sucrose in proportion not exceeding 2.0 per cent by weight in aggregate. It shall be free from any artificial colouring and flavouring matter.

It shall conform to the following standards:

Total ash.....Not less than 3.5 per cent and not more than 10.0 per cent (on dry basis).

Ash insoluble in dilute HCl.....Not more than 2.5 per cent on dry basis.

Water soluble matter.....Not less than 50.0 per cent on dry basis.]

[21][A.08.03.—COFFEE CHICORY MIXTURE or coffee mixed with chicory or coffee and chicory shall be pure ground coffee mixed with roasted and ground

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14. *Omitted* by *Ibid*
15. *Subs.* by Noti. No. GSR 57(E), dt. 11-2-1982 (w.e.f. 11-2-1982).
16. *Subs.* by Noti. No. GSR 1340, dt. 24-10-1961.
17. *Subs.* by Noti. No. GSR 1417, dt. 20-9-1976 (w.e.f. 2-10-1976).
18. *Subs.* by Noti. No. GSR 1564, dt. 17-11-1962.
19. *Subs.* by Noti. No. GSR 1417, dt. 20-9-1976 (w.e.f. 2-10-1976).
20. *Subs.* by Noti. No. GSR 1533, dt. 8-7-1968.
21. *Subs.* by Noti. No. GSR 2755, dt. 20-11-1956.

chicory and shall be in sound, dry and dust-free condition with no rancid or obnoxious flavour.

[22][The coffee chicory mixture shall contain caffeine not less than 0.6 per cent and the aqueous extract shall not be more than 50 per cent.]

Any tin or other receptacle containing a mixture of coffee and chicory shall not bear any misleading expression.

The expression "French Coffee" may be used if followed by the words "mixed with chicory" or "blended with chicory".]

Notes

The standard for coffee mixture has been prescribed in A.08.03. of Appendix B. It says that the coffee chicory mixture shall contain caffeine not less than 0.6% and the aqueous extract shall not be more than 50%. On analysis it was found that the caffeine content was 0.47% as against the required quantity of 0.6% and therefore it was adulterated. [*Food Inspector* v. *V. Velayudhan*, 1987 (2) FAC 1 : 1987 Cri LJ 1137.]

[23][A.08.04.—SOLUBLE COFFEE POWDER means coffee powder, obtained from freshly roasted and ground pure coffee beans. It shall be in the form of free flowing powder, having the colour, taste and flavour characteristics of coffee. It shall be free from impurities and shall not contain chicory or any other added substance. It shall conform to the following standards :

(*a*)	Moisture	Not more than 3.5 per cent.
(*b*)	Total ash (on dry basis)	Not more than 15.0 per cent.
(*c*)	Caffeine content	Not less than 2.8 per cent on dry basis.
(*d*)	Solubility in boiling water	Dissolves readily in 30 seconds with moderate stirring.
(*e*)	Solubility in cold water at 16+2°C	Soluble with moderate stirring in 3 minutes.]

[24][A.08.05.—INSTANT COFFEE-CHICORY MIXTURE means the product manufactured from roasted and ground coffee and roasted and ground chicory. It shall be in the form of a free flowing powder having the colour, taste and flavour characteristics of coffee-chicory powder. It shall be free from any impurities and shall not contain any other added substance. The percentage of coffee and chicory used shall be marked on the container [25][as provided in clause (*ii*) of sub-rule (A) of Rule 42]. It shall also conform to the following standards, namely :—

(*a*)	Moisture.....	Not more than 5 per cent by weight.
(*b*)	Total ash on dry basis	Not less than 7.0 per cent and not more than 10.0 per cent by weight.
(*c*)	Caffeine (anhydrous)	Not less than 1.4 per cent by weight on dry basis.]

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22. *Ins.* by Noti. No. GSR 74, dt. 31-12-1965.
23. *Ins.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
24. *Ins.* by Noti. No. GSR 848(E), dt. 19-11-1983 (w.e.f. 19-11-1983) as corrected by GSR 113 dt. 20-1-1984.
25. *Subs.* by Noti. No. GSR 917(E), dt. 17-11-1987 (w.e.f. 18-5-1988) as corrected by GSR 366(E), dt. 23-3-1988.

A.09—[1][*Omitted.*]

A.10.—EDIBLE FAT :

A.10.01.—BEEF FAT or suet means fat obtained from a beef carcass. It shall have a Saponification value varying from 193 to 200 and an Iodine value from 35 to 46.

A.10.02.—MUTTON FAT means fat obtained from the carcass of sheep. It shall have a Saponification value varying from 192 to 195 and an Iodine value from 35 to 46.

A.10.03.—GOAT FAT means the rendered fat from goat. It shall have a Saponification value varying from 193 to 196 and an Iodine value from 36 to 45.

A.10.04.—LARD means the rendered fat from hogs and shall not contain more than one per cent of substances other than fatty acids and fat. It shall have a Saponification value varying from 192 to 198 and Iodine value from 52 to 65.

[2][A.10.05.—COCOA BUTTER means the fat obtained by expression from the nibs of the beans of Theobroma cocoa L. It shall be free from other oils and fats, mineral oil and added colours.

It shall conform to the following standards :

Percentage of free fatty acids (calculated as oleic acid).....Not more than 1.5.

Iodine value.....32 to 42.

Melting point.....29°C to 34°C.

Butyro-refractometer reading at 40°C.....40.9 to 48.0.

Saponification value.....185 to 200.

A.10.06.—LOW AND HIGH FAT COCOA POWDER means the powder which is the partially defatted product derived from the cocoa bean, the seed of Theobroma cocoa L. It may be subjected to treatments during manufacture with alkali and/or magnesium carbonate, bicarbonate, and with tartaric, citric or phosphoric acids. It shall be free from rancidity, dirt, filth, insects and insect fragments or fungus infestations.

It shall conform to the following standards :

Total ash.....Not more than 14.0 per cent (on moisture and fat free basis).

Ash insoluble in dilute HCl.....Not more than 1.0 per cent (on moisture and fat free basis).

Alkalinity of total ash.....Not more than 6.0 per cent as K_2O (on moisture and fat free basis).

Cocoa butter—

(i) for low fat.....Not less than 10.0 per cent (on moisture and fat free basis) ;

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1. *Omitted* by Noti. No GSR 1533, dt. 8-7-1968.
2. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.

(*ii*) for high fat . . . . . Not less than 20 per cent (on moisture and fat-free basis).]

[5][A.10.07.—REFINED SALSEED FAT means the fat obtained from seed kernels of Sal trees, Shorea robusta Gaertn. f. (N.O. Dipterocarpaceae) which has been neutralized with alkali, bleached with bleaching earth or activated carbon or both, and deodorized with steam, no other chemical agents being used. Alternatively, deacidification, bleaching and deodorization may be done by physical means. The material shall be clear on melting and free from adulterants, sediment, suspended or other foreign matter, separated water or added colouring substance. There shall be no turbidity after keeping the filtered sample at 40°C for 24 hours. It shall conform to the following standards :—

(*i*) Moisture	Not more than 0.1 per cent
(*ii*) Butyro-refractometer reading at 40°C	36.7—51.0
OR	
Refractive Index at 40°C	1.4500—1.4600
(*iii*) Iodine value (Wijs' method)	31—45
(*iv*) Saponification value	180—195
(*v*) Unsaponifiable matter	Not more than 2.5 per cent by weight
(*vi*) Free Fatty acids (expressed as Oleic acid)	Not more than 0.25 per cent by weight.
OR	
Acid value	Not more than 0.5.
(*vii*) 9,10 epoxy and 9,10 Dihydroxy stearic acid	Not more than 3.0 per cent by weight.
(*viii*) Flash point (Pensky Marten closed method)	Not less than 250°C.]

[**][A.10.08.—CAROB POWDER means the powder obtained from the roasted pods of carob (fibbled carob) of Ceratonia Siliqua (L) Taub. (Fam. Leguminosae) and shall be free from husk. It shall be free from any artificial colouring, flavouring, extraneous matter or glazing substance and shall be in sound dry and fresh condition free from rancid or obnoxious flavours.

It shall also conform to the following standards, namely :—

(*i*) Total Ash Not more than 1.2 per cent by weight.

5. *Ins.* by Noti. No. GSR 19(E), dt. 28-1-1980 (w.e.f. 28-1-1980) and corrected by GSR 577, dt. 9-5-1980.

**. *Ins.* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 15-11-1984).

(*ii*) Acid insoluble matter	Not more than 5 per cent by weight.
(*iii*) Tannin content	Not less than 0.1 per cent and not more than 0.15 per cent.]

[5][A.10.09.—KOKUM FAT means the fat obtained from clean and sound kernels of kokum (Garcinia indica choisy) also known as kokam, by process of expression or by a process of solvent extraction from cake or kernel. It shall be refined. The fat shall be clear on melting and free from rancidity, adulterants, sediment, suspended or other foreign matter, separated water, added colouring and flavouring matters and mineral oil.

It shall also conform to the following standards, namely :—

(*a*) Butyro-refractometer reading at 40°C	45.9—47.3
or	
Refractive Index at 40°C	1.4565 to 1.4575
(*b*) Saponification value	187—191.7
(*c*) Unsaponifiable matters	Not more than 1.5 per cent by weight
(*d*) Iodine value (Wijs')	32—40
(*e*) Acid value	Not more than 0.5
(*f*) Flash Point [Pensky-Martens (closed) method]	Not less than 250°C

A.10.10.—MANGO KERNEL FAT means the fat obtained from clean and sound kernels of Mango (Mangifera indica Linn) by process of expression or by a process of solvent extration from cake or kernel. It shall be refined. The fat shall be clear on melting and free from rancidity, adulterants, sediment suspended or other foreign matter, separated water, added colouring and flavouring matters and mineral oil.

It shall also conform to the following standards, namely :—

(*a*) Butyro-refractometer reading at 40°C or	43.7—51.6
Refractive Index at 40°C	1.4550 to 1.4604
(*b*) Saponification Value	185—198
(*c*) Unsaponifiable matter	Not more than 1.5 per cent by weight
(*d*) Iodine value (Wijs')	32—57
(*e*) Acid Value	Not more than 0.5
(*f*) Flash Point [Pensky Martens (closed) method]	Not less than 250°C

5. Items A.10.09 to A.10.12 *inserted* by Noti. No. GSR 481, dt. 16-9-1993 (w.e.f. 2-10-1993) as corrected by Noti. No. GSR 512(E), dt. 15-6-1994.

A.10.11 DHUPA FAT means the fat obtained from clean and sound seed kernels of Dhupa, also known as Indian Copal (Vateria Indica Linn) tree by process of expression or by a process of solvent extraction from cake or kernel. It shall be refined. The fat shall be clear on melting and free from rancidity, adulterants, sediment, suspended or other foreign matter, separated water, added colouring and flavouring matter and mineral oil.

It shall also conform to the following standards, namely :—

(*a*) Butyro-refractometer reading at 40°C or	47.5—49.5
Refractive Index at 40°C	1.4576 to 1.4590
(*b*) Saponification value	187—192
(*c*) Unsaponifiable matter	Not more than 1.5 per cent by weight
(*d*) Iodine value (Wijs)	36—43
(*e*) Acid value	Not more than 0.5
(*f*) Flash Point [Pensky Martens (closed) method]	Not less than 250°C

A.10.12 PHULWARA FAT means the fat obtained from clean and sound seed kernels of Phulwara [variously named Aisandra Butyrace (Roxb) Beehni, Madhuca Butyracea or Bassia Butyracea] by a process of expression or by a process of solvent extraction from cake or kernel. It shall be refined. The fat shall be clear on melting and shall be free from rancidity, adulterants, sediments, suspended or other foreign matters, separated water, added colouring and flavouring substances and mineral oil.

It shall also conform to the following standards, namely :—

(*a*) Butyro-refractomoter reading at 40°C or	48.6—51.0
Refractive Index at 40°C	1.4584—1.4600
(*b*) Saponification value	192.5—199.4
(*c*) Unsaponifiable matter	Not more than 1.5 per cent by weight
(*d*) Iodine value (Wijs)	43.8—47.4
(*e*) Acid value	Not more than 0.5
(*f*) Flash Point [Pensky Martens (closed) method]	Not less than 250°C]

[5][A.11.—MILK AND MILK PRODUCTS :

Notes

Standard of different classes of milk from various States of the country is given in A.11.01.11 of Appendix B. A sample has to come up to those standards and any deficiency

5. *Subs.* by Noti. No. GSR 1533, dt. 8-7-1968.

either in fatty solids or in non-fatty solids would amount to adulteration within the meaning of the Act and for that there can be no escape from the law. Even a margin of a difference of 0.3 per cent would not make the sample in this connection not adulterated. [*State of U.P.* v. *Shyam Manohar*, 1982 ALJ 638 : 1982 (1) FAC 318.]

A.11.01.—Definitions.

[6][A.11.01.01.—MILK is the normal mammary secretion derived from complete milking of healthy milch animal without either addition thereto or extraction therefrom. It shall be free from colostrum. Milk of different classes and of different designations shall conform to the standards laid down in the Table below Item A.11.10.11.]

Notes

The definition of milk has been substituted, w.e.f. 4-7-1985 for the existing one.

Where the Cow's milk was deficient in non-fatty solids by 11 per cent it must be held to be adulterated. The quality and purity of milk falls below the prescribed standard if it is deficient either in fat or in non-fatty solids or in both. It is not necessary that the milk must be deficient in both fat and non-fatty solids before it can be held to be below the prescribed standard of quality and purity. [*Nagar Swasthya Adhikari* v. *Guru Prasad*, 1982 ALJ 149, contrary expressed in *Pooran Singh* v. *State*, 1978 FAJ 149 and in the undermentioned single Judge decisions, *Abdul Latif* v. *State*, (1981) 1 FAC 4; *Dhani Ram Prasad* v. *State*, (1979) 2 FAC 47; *Ujagar Singh* v. *State of Punjab*, (1980) 1 FAC 432; *Babu Lal* v. *State*, (1979) 1 FAC 267; *Deokinandan* v. *State*, (1979) 1 FAC 274; *Municipal Corporation of Delhi* v. *Jawahar Lal*, (1980) 2 FAC 145 (Del); *Ram Autar* v. *State*, (1980) 2 FAC 249; *Halke* v. *State of U.P.*, (1980) 2 FAC 384; *Hansraj* v. *State of Punjab*, (1980) 2 FAC 396 held not good law in view of Full Bench decision in *Prem Das* v. *State*, AIR 1961 All 590.]

A.11.01.02.—PASTEURISATION.—The term pasteurisation, when used in association with [7][milk of different classes], means heating [7][milk of different classes] by a heat treatment as mentioned below and cooling to a suitable temperature before distribution. Pasteurised [7][milk of different classes] shall show a negative Phosphatase Test.

The terms "Pasteurisation", "Pasteurised" and similar terms shall be taken to refer to process of heating every particle of [7][milk of different classes] to at least 63°C, and holding at such temperature continuously for at least 30 minutes, or heating it to at least 71.5°C, and holding at such temperature continuously for at least 15 seconds or an approved temperature time combination that will serve to give a negative Phosphatase Test.

All pasteurised [7][milk of different classes] shall be cooled immediately to a temperature of 10°C, or less [8][* * *].

Explanation.—[* * *][9]

Notes

Pasteurisation is different from boiling. [*Jagdish Popli* v. *State*, 1981 (1) FAC 93.]

[9a][A.11.01.03—STERILISATION.—The term "sterilisation when used in association with milk, means heating milk in sealed container continuously to a temperature of either 115°C for 15 minutes or at least 130°C for a period of one second or more in a continuous flow and then packed under aseptic condition in hermetically sealed containers to ensure preservation at room temperature for a period not less than 15 days from the date of manufacture.]

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6. *Subs.* by Noti. No. GSR 550(E), dt. 4-7-1985 (w.e.f. 4-7-1985).
7. *Subs.* by *ibid.*
8. Words "and shall be maintained thereat until delivery" *omitted* by Noti. No. GSR 243, dt. 15-2-1980 (w.e.f. 1-3-1980).
9. *Omitted* by Noti. No. GSR 550(E), dt. 4-7-1985 (w.e.f. 4-7-1985).
9a. *Subs.* by Noti. No. GSR 10(E), dt. 7-1-1991 (w.e.f. 7-7-1991).

A.11.01.04.—BOILED MILK means milk which has been brought to boil.

[10][A.11.01.05.—FLAVOURED MILK, by whatever name called, may contain [11][nuts (whole, fragmented or ground)] chocolate, coffee or any other edible flavour, [* * *][12] and cane sugar. Flavoured milk shall be pasteurised, sterilised or boiled.] [11][The type of milk shall be mentioned on the label.]

NOTES

Rose milk is not flavoured milk but is a special preparation for which no standard is fixed. [*Food Inspector* v. *Aboobacker*, 1986 (3) FAC 76 : 1987 FAJ 97 : 1986 Ker LT 1117].

[13][A.11.01.05-A.—MIXED MILK means a combination of milk of cow, buffalo, sheep, goat or any other milch animal and may be a combination of any of these milk which has been made and conforms to the standards given in the Table below Item A.11.01.11.]

NOTES

Mixed milk would cover mixture of cow and goat milk. [*Rameshwar Singh* v. *State of U.P.*, (1981) 1 FAC 18].

A.11.01.06.—STANDARDISED MILK means cow milk or buffalo milk [14][or sheep milk or goat milk or a combination of any of these milk] that has been [7][standardised to fat and solids-not-fat percentage] given in the Table below Item A.11.01.11. by [adjustment of milk solids.][7] Standardised milk shall be pasteurised and shall show a negative Phosphatase Test.

A.11.01.07.—RECOMBINED MILK means the homogenised product prepared from milk fat, non-fat-milk solids and water. Recombined milk shall be pasteurised and shall show a negative Phosphatase Test.

A.11.01.08.—TONED MILK means the product prepared by admixture of cow or buffalo milk or both with fresh skimmed milk ; or by admixture of cow or buffalo milk or both [that has been standardised to fat and solids-not-fat percentage given in the Table below Item A.11.01.11. by adjustment of milk solids][7]. It shall be pasteurised and shall show a negative Phosphatase Test. When fat or dry non-fat-milk solids are used, it shall be ensured that the product remains homogeneous and no deposition of solids takes place on standing.

A.11.01.09.—DOUBLE TONED MILK means the product prepared by admixture of cow or buffalo milk or both with fresh skimmed milk, or by admixture of cow or buffalo milk or both [15][that has been standardised to fat and solids-not-fat percentage given in the Table below Item A.11.01.11, by adjustment of milk solids]. It shall be pasteurised and shall show a negative Phosphatase Test. When fat or dry non-fat-milk solids are used, it shall be ensured that the product remains homogeneous and no deposition of solids takes place on standing.

A.11.01.10.—SKIMMED MILK means the product prepared from milk from which almost all the milk fat has been removed mechanically.

10. *Subs.* by Noti. No. GSR 133, dt. 23-1-1973.
11. *Ins.* by Noti. No. GSR 1417, dt. 20-9-1976 (w.e.f. 2-10-1976).
12. The words "edible food colours" *omitted* by Noti. No. GSR 677(E), dt. 6-9-1994 (w.e.f. 6-12-1996) as corrected by Noti. No. GSR 613(E), dt. 4-9-1995 and Noti. No. GSR 232(E), dt. 4-6-1996.
13. *Ins.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
14. *Subs.* by *ibid.*
15. *Subs.* by Noti. No. GSR 550(E), dt. 4-7-1985 (w.e.f. 4-7-1985).

[15a][A.11.01.10A.—FULL CREAM MILK means milk or a combination of buffalo or cow milk or a product prepared by combination of both that has been standardised to fat and solids-not-fat percentage, given under item A. 11-01-11, by adjustment/addition of milk solids. Full Cream Milk shall be pasteurised. It shall show a negative phosphatase test. It shall be packed in clean, sound and sanitary containers properly sealed so as to prevent contamination.]

A.11.01.11.—Standards for different classes and designations of milk shall be as follows :

Class of Milk	Designations	Locality	Minimum percent	
			Milk fat	Milk solids-not-fat
1	2	3	4	5
BUFFALO MILK	Raw, Pasteurised, Boiled, Flavoured and Sterilised	Assam . . . . Bihar . . . . Chandigarh . . . Delhi . . . . Gujarat . . . . Haryana . . . . [16][Meghalaya . . . Punjab . . . . Sikkim] . . . . Uttar Pradesh . . . West Bengal . . .	6.0	9.0
	Raw, Pasteurised, Boiled, Flavoured and Sterilised	Andaman & Nicobar Andhra Pradesh . . [17][Arunachal Pradesh] Dadra & Nagar Haveli Goa, Daman & Diu [H.P.][18] . . . . [17][Jammu & Kashmir . . . . Karnataka] . . . Kerala . . . . Laccadive, Minicoy & Amindive Islands [* * *][19] . . Madhya Pradesh Manipur . . . . [Mazoram][16] . . Nagaland . . . . [* * *][19] . . Orissa . . . . Pondicherry . . Rajasthan . . [Tamil Nadu][17] . . Tripura	5.0	9.0
	Raw, Pasteurised, Boiled, Flavoured and Sterilised	Chandigarh . . Haryana . . Punjab	4.0	8.5

15a. *Ins.* by GSR 223 (E), dt. 20-5-1996 (w.e.f. 20-11-1996).
16. *Subs.* by Noti. No. GSR 3(E), dt. 1-1-1985 (w.e.f. 1-1-1985).
17. *Ins.* by *ibid.*
18. *Vide* corrigenda GSR 1764, dt. 18-7-1969.
19. *Omitted* by Noti. No. GSR 3(E), dt. 1-1-1985 (w.e.f. 1985).

1	2	3	4	5
COW MILK		Andaman & Nicobar Andhra Pradesh .. [17][Arunachal Pradesh] Assam .. .. Bihar .. .. Dadra & Nagar Haveli .. .. Delhi .. .. Goa, Daman & Diu Gujarat .. .. Himachal Pradesh [17][Jammu & Kashmir .. .. Karnataka] .. Kerala .. .. Laccadive, Minicoy & A. Islands.. .. Madhya Pradesh.. [18][* * *] .. Maharashtra .. Manipur .. .. [Meghalaya] .. Nagaland .. .. [18][* *].. .. Pondicherry .. Rajasthan.. .. [17][Sikkim .. .. Tamil Nadu] .. Tripura .. .. Uttar Pradesh .. West Bengal ..	3.5	8.5
	Raw, Pasteurised, Boiled Flavoured and Sterilised.	[16][Mizoram .. Orissa]	3.0	8.5
	Raw, Pasteurised, Boiled, Flavoured and Sterilised.	Chandigarh .. Haryana .. .. Kerala .. .. Madhya Pradesh.. Maharashtra .. Punjab .. .. Uttar Pradesh ..	3 5	9.0
GOAT OR SHEEP MILK	Raw, Pasteurised, Boiled, Flavoured and Sterilised.	Andaman & Nicobar Islands .. .. Andhra Pradesh .. [17][Arunachal Predesh] Assam .. .. Bihar .. .. Dadra & Nagar Haveli Delhi .. .. Goa, Daman & Diu Gujarat .. .. Himachal Pradesh [17][Jammu & Kashmir Karnataka] .. Laccadive, Minicoy & A. Islands .. .. [18][* * *] Manipur [16][Meghalaya .. Mizoram] .. .. Nagaland .. .. [18][* * *] .. Orissa .. .. Pondicherry ..	3.0	9.0

1	2	3	4	5
GOAT OR SHEEP MILK		Rajasthan . . . . [17][Sikkim . . . . Tamil Nadu] . . Tripura . . . . West Bengal . .	3.0	9.0
[20][MIXED MILK	Raw, Pasteurised, Boiled, Flavoured and Sterilised	All India	4.5	8.5
STANDARDISED MILK	Pasteurised, Flavoured and Sterilised	All India	4.5	8.5]
RECOMBINED MILK	[21][Pasteurised, Flavoured and Sterilised]	All India	3.0	8.5
TONED MILK	[21][Pasteurised, Flavoured and Sterilised]	All India	3.0	8.5
DOUBLE TONNED MILK	[21][Pasteurised, Flavoured and Sterilised]	All India	1.5	9.0
SKIMMED MILK	Raw, Pasteurised, Boiled, Flavoured and Sterilised	All India	Not more than 0.5 per cent	8.7
[21a][FULL CREAM MILK	Pasteurised and Sterilised	All India	6.0	9.0]

Note.—(*i*) When milk is offered for sale without any indication of the class, the standards prescribed for buffalo milk shall apply.

(*ii*) The heat treatment for the various designated milk shall be as follows :

Designation	*Heat Treatment*
Raw . .	. . Nil
Pasteurised . .	. . Pasteurisation
Boiled . .	. . Boiling
Flavoured . .	. . Pasteurisation or Sterilisation
Sterilised . .	. . Sterilisation

NOTES

Notification No. GSR 3 (E) dated 1-1-1985 has made amendments in Column 3 of the Table below A.11.01.11 by inserting Meghalaya, Arunachal Pradesh, Jammu & Kashmir, Karnataka, Sikkim, Mizoram, Tamil Nadu and omitting Madras and NEFA.

Right till the year 1979, Item No. A.11.01.11 of Appendix B to the Prevention of Food Adulteration Rules, 1955 merely prescribed standard for buffalo milk, cow milk and goat milk. It did not specify any standard for mixed milk of buffalo, cow and goat. The mixed milk sold by the applicant could not be tested on the basis of standards prescribed for either buffalo milk, or cow milk or goat milk in Item No. A.11.01.11 of Appendix B. As no standard for such mixed milk had been prescribed, it was not possible to hold that the sample of milk was adulterated as its quality fell below the prescribed standard and the same could not be held to be adulterated on that ground. [*Vakil Uddin* v. *State*, (1981) 2 FAC 181.]

Addition of water to milk amounts to adulteration. (*Kisan Timbak Kothula* v. *State of Maharashtra*, (1977) 1 SCC 300 : 1977 SCC (Cri) 98 : 1977 Cri LJ 267.] No standard has been prescribed for butter milk. Appendix B to the Rules contains no such standard either specifically or with reference to other items prescribed.

The standard for milk fixed under the Act is one that is certain, and if it is varied to any extent by extraneous considerations then the certainty of a general standard would be replaced by the vagaries of judicial speculation. Therefore, the existence of non-fatty solids below the prescribed standard is an offence. [*Megh Singh* v. *State*, (1979) 1 FAC 59.]

In the absence of any indication on the container the milk should be tested by the standards of buffalo milk. [*Angan Lal* v. *State*, (1979) 1 FAC 33.]

A.11.02.—MILK PRODUCTS means the products obtained from milk such as cream, malai, curd, skimmed milk curd, chhana, skimmed milk chhana,

20. *Subs.* again by Noti. No. GSR 55 (E), dt. 31-1-1979 (w.e.f. 31-1-1979).

21. *Ins.* by Noti. No. GSR 55 (E), dt. 31-1-1979 (w.e.f. 31-1-1979).

21a. *Ins.* by Noti No. GSR 223 (E), dt. 20-5-1996 (w.e.f. 20-11-1996).

cheese, processed cheese, ice cream, milk ices, condensed milk sweetened and unsweetened, condensed skimmed milk sweetened and unsweetened, milk powder, skimmed milk powder, partly skimmed milk powder, khoa, infant milk food, table butter and deshi butter.

NOTES

Baby food is not a direct milk product but it is a milk preparation having additions of sweetening carbohydrates, vitamins and salts. In the absence of any standard being prescribed baby food cannot be deemed as adulterated. [*Hari Shankar Banerjee* v. *Corporation of Calcutta*, 1973 Cri LJ 1264 (Cal.)]

A.11.02.01—MILK PRODUCTS specified in Appendix B shall not contain any substance not found in milk unless specified in the standards.

A.11.02.02.—CREAM excluding sterilised cream means the product of cow or buffalo milk or of a combination thereof which contains not less than 25.0 per cent milk fat.

NOTES

Milk cream is cream and the standard prescribed by A.11.02.02 applies to it. [*Food Inspector* v. *C.P. Abbas*, (1986) 3 FAC 522 : 1986 FAJ 22 : 1986 Ker LJ 1210.]

A.11.02.03.—MALAI means the product rich in butter fat prepared by boiling and cooling cow or buffalo milk or a combination thereof. It shall contain not less than 25.0 per cent milk fat.

A.11.02.04.—DAHI or CURD means the product obtained from pasteurised or boiled milk by souring, natural or otherwise, by a harmless lactic acid or other bacterial culture. Dahi may contain added cane sugar. Dahi shall have the same minimum percentage of milk fat and milk solids-not-fat as the milk from which it is prepared.

Where dahi or curd [22][* * *] is sold or offered for sale without any indication of class of milk, the standards prescribed for dahi prepared from buffalo milk shall apply.

[23][Milk solids may also be used in preparation of this product.]

NOTES

Presumption of buffalo milk when arises.—Rule 9 *inter alia*, provides that it shall be the duty of the Food Inspector to make such enquiries or inspection as may be necessary to detect the manufacture, storage or sale of articles of food in contravention of the Act, or rules framed thereunder. This rule therefore, makes it obligatory on the part of the Food Inspector to make necessary enquiries from the vendors of articles of food in order to enforce the provisions of the Act. [*Hari Krishna* v. *State*, (1980) 1 FAC 452.]

A.11.02.05.—CHHANA OR PANEER means the product obtained from cow or buffalo milk or a combination thereof by precipitation with sour milk, lactic acid or citric acid. It shall not contain more than 70.0 per cent moisture, and the milk fat content shall not be less than 50.0 per cent of the dry matter.

[23][Milk solids may also be used in preparation of this product.]

A.11.02.07.—SKIMMED MILK CHHANA or SKIMMED MILK PANEER [* * *][23a]

A.11.02.07.—CHEESE (HARD) means the product obtained by draining after coagulation of milk with a harmless milk coagulation agent under the influence of harmless bacterial cultures. It shall not contain any ingredients not found in milk, except coagulating agent, sodium chloride, calcium chloride (anhydrous salt) not exceeding 0.02 per cent by weight, annatto or carotene colour, and may contain emulsifiers and/or stabilizers, namely citric acid, sodium citrate or sodium salts or orthophosphoric acid and polyphosphoric acid (as linear phosphate [24][* * *]), not exceeding 0.2 per cent by

22. Words "other than skimmed milk dahi" *omitted* by Noti No. GSR 503 (E), dt. 1-9-1981 (w.e.f. 1-9-1981).

23. *Added* by Noti No. GSR 550 (E), dt. 4-7-1985 (w.e.f. 4-7-1985).

23a. *Omitted* by Noti. No. GSR 10 (E), dt. 7-1-1991 (w.e.f. 7-7-1991).

24. Words "with a degree of polymerisation up to 6 units" *omitted* by Noti. No. GSR 503 (E), dt. 1-9-1981 (w.e.f. 1-9-1981).

weight. Wax used for covering the outer surface shall not contain any thing harmful to health. In case the wax is coloured, only permitted food colour shall be used. Hard cheese shall contain not more than 43.0 per cent moisture and not less than 42.0 per cent milk fat of the dry matters. Hard cheese may contain 0.1 per cent of sorbic acid, or its sodium, potassium or calcium salts calculated as sorbic acid ; or 0.1 per cent of niacin [25][either singly or in combination.]

[25a][Natamycin may be used for surface treatment only, subject to the following conditions, namely :—

(*i*) Maximum level of application shall not exceed 2 mg/dm3 of cheese surface.

(*ii*) The penetration depth shall not exceed 2mm.

(*iii*) The maximum residue level in the finished product shall not exceed 1 mg/dm3.]

A.11.02.07.01.—PROCESSED CHEESE means the product obtained by heating [one or more types of hard cheeses][25b] with permitted emulsifiers and/or stabilizers namely citric acid, sodium citrate, sodium salts of orthophosphoric acid and polyphosphoric acid (as linear polyphosphate [24][* * *]) with or without added condiments, and acidifying agents, namely vinegar, lactic acid, acetic acid, citric acid and phosphoric acid. Processed cheese may contain not more than 4.0 per cent of anhydrous permitted emulsifiers and/or stabilizers, provided that the content of anhydrous inorganic agents shall in no case exceed 3.0 per cent of the finished product. It shall not contain more than 47.0 per cent moisture. The milk fat content shall not be less than 40.0 per cent of the dry matter. Processed cheese may contain 0.1 per cent sorbic acid or its sodium, potassium or calcium salts (calculated as sorbic acid) or 0.1 per cent of niacin [23][either singly or in combination. It may contain Calcium Chloride (anhydrous) not exceeding 0.02 per cent by weight.]

[26][A.11.02.07.02.—PROCESSED CHEESE SPREAD means a product obtained by comminuting and mixing one or more types of [26a][* * *] cheeses into a homogeneous [26a][* * *] mass with the aid of heat. It may or may not contain butter, cream, butter oil, milk, skimmed milk, milk powder, cheese whey, [26a][* * *] butter milk or one or more of these or any of these from which part of water has been removed. It may also contain permitted emulsifying and stabilising agents. It may also contain one or more of the sodium/potassium salts of citric acid, phosphoric acid, tartaric acid, lactic acid in such quantities that mass of the solids of such emulsifying agents is not more than 4 per cent of mass of the processed cheese spread. It may contain sequestering and buffering agents, namely, lactic acid, acetic acid, citric acid and phosphoric acid.

It may contain vegetable colouring matter such as annatto, carotene, permitted flavouring agents and milk coagulating enzymes with or without purified [26b][calcium chloride (anhydrous salt) not exceeding 0.02 per cent and sodium citrate not exceeding 2.0 per cent] may be added. It may contain natural sweetening agents, namely, sugar, dextrose, cane sugar, corn syrup, honey, corn syrup solids, maltose, malt syrup and hydrolysed lactose in a

25. *Added* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-5-1974).

25a. *Ins.* by GSR 223 (E), dt. 20-5-1996 (w.e.f. 20-11-1996).

25b. *Subs.* by GSR 223 (E), dt. 20-5-1996 (w.e.f. 20-11-1996).

26. *Ins.* by Noti. No. GSR 10 (E), dt. 7-1-1991 (w.e.f. 7-7-1991).

26a. Words "hard", "plastic" and "sweet" *omitted* by GSR 223 (E), dt. 20-5-1996 (w.e.f. 20-11-1996).

26b. *Subs.* by GSR 223 (E), dt. 20-5-1996 (w.e.f. 20-11-1996).

quantity necessary for seasoning and spices and condiments. It may contain sodium chloride not exceeding 3 per cent by weight. Processed cheese spread may contain sorbic acid or niacin or both to the maximum extent of 0.1 per cent by weight. It shall not contain more than 60 per cent moisture and milk fat content (on dry basis) shall not be less than 40 per cent by weight.]

A.11.02.08.—ICE CREAM, KULFI and CHOCOLATE ICE CREAM mean the frozen product obtained from cow or buffalo milk or a combination thereof or from cream, and/or other milk products with or without the addition of cane sugar,[1][, dextrose, liquid glucose and dried liquid glucose] [Maltodoxtrin][1a], eggs, fruits, fruit juices, preserved fruits, nuts, chocolate, edible flavours and permitted food colours. It may contain permitted stabilizers and emulsifiers not exceeding 0.5 per cent by weight. The mixture shall be suitably heated before freezing. The product shall contain not less than 10.0 per cent milk fat, 3.5 per cent protein and 36.0 per cent total solids [* * *][2]

[3][Starch may be added to a maximum extent of 5.0 per cent under a declaration on a label as specified in sub-rule (2) of Rule 43.

The standards for ice cream shall also apply to softy ice cream.]

[4][In case of ice-cream, where the chocolate or like covering portion forms a separate layer, only the ice cream portion shall conform to the standards of ice cream.]

NOTES

From the examination of the provisions of Item A.11.02.08, Item 11.02 and Item A.11.02.02 of Appendix B to the Prevention of Food Adulteration Rules, 1955 it is clearly made out that the standard of purity for each milk product has been separately laid down and that ice-cream, kulfi and chocolate ice-cream are treated as a class by themselves, which is different for the purpose of purity from other milk products including cream. The classification employed leaves no room for doubt that when the proviso to Rule 61 states that certain emulsifying and stabilising agents shall not be used in milk and cream, it prohibits the use of those agents only in milk and one of its products, namely, cream and not other milk products such as malai, dahi, cheese, ice-cream and chocolate ice-cream. The prohibition contained in the proviso thus does not apply to ice-cream, kulfi, chocolate ice-cream covered by sub-item A.11.02.08, wherein it is clearly stated that these three milk products may contain permitted stabilisers and emulsifiers not exceeding 0.5 per cent by weight. [*Kishan Chand* v. *Delhi Administration*, (1979) 4 SCC 709 : 1980 SCC (Cri) 165 : 1979 Cri LJ 921.]

Ice-cream sold by the accused containing 5.95 per cent of milk fat as against prescribed 10 per cent is adulterated. The accused is liable to conviction. [*State of Maharashtra* v. *Baburao Ravaji, Mharurkar*, (1984) 4 SCC 540 : 1985 SCC (Cri) 2 : 1985 Cri LJ 508.] The circumstance that the standard of milk fat prescribed for buffalo milk is 5 per cent would not render it impossible for ice-cream to contain a minimum of 10 per cent milk fat. There are several ways by which the higher percentage of milk fat in ice-cream is attained. The most elementary method is to heat the milk sufficiently to reduce the percentage of water and increase the percentage of milk fat. Another obvious method is to add cream containing a high percentage of milk fat separately to the milk before making ice-cream.

A.11.02.09.—MILK ICES OR MILK LOLLIES means the frozen product obtained from milk, skimmed milk, or milk product with or without the addition of cane sugar [1][, dextrose, liquid glucose and dried liquid glucose] eggs, fruits, juices, nuts, chocolate, edible flavours, and permitted food colours. It may contain permitted stabilizers not exceeding 0.5 per cent of the product. The mixture shall be suitably heat-treated before freezing. The product shall contain not more than 2.0 per cent milk fat, not less than 3.5 per cent proteins and not less than 20.0 per cent total solids.

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1. *Ins.* by Noti. No. GSR 243, dt. 15-2-1980 (w.e.f. 1-3-1980).
1a. *Ins.* by GSR 223 (E), dt. 20-5-1996 (w.e.f. 20-11-1996).
2. *Omitted* by GSR 223 (E), dt. 20-5-1996 (w.e.f. 20-11-1996).
3. *Added* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 1974).
4. *Ins.* by Noti. No. GSR 550 (E), dt. 4-7-1985 (w.e.f. 4-7-1985).

A.11.02.10.—CONDENSED MILK UNSWEETENED (EVAPORATED MILK) means the product obtained from cow or buffalo milk or a combination thereof or from standardised milk, by the partial removal of water. It may contain added calcium chloride, citric acid and sodium citrate, sodium salts or orthophosphoric acid and polyphosphoric acid (as linear phosphate [5][* * *]) not exceeding 0.3 per cent by weight of the finished product. Such additions need not be declared on the label. Condensed milk unsweetened shall contain not less than 8.0 per cent milk fat and not less than 26.0 per cent milk solids.

[5a][If the product is subjected to Ultra High Temperature (UHT) treatment by heating it at a temperature of not less than 140°C for a minimum period of 3 seconds followed by aseptic packaging, it shall be designated as UHT and labelled as specified under clause (*ddd*) of sub-rule (B) or Rule 42.]

A.11.02.11.—CONDENSED MILK SWEETENED means the product obtained from cow or buffalo milk or a combination thereof or from standardised milk, by the partial removal of water and after addition of cane sugar. It may contain added refined lactose, [5][permitted flavour,] calcium chloride, citric acid, sodium citrate, sodium salts of orthophosphoric and polyphosphoric acid (as linear phosphate [5][* * *]) not exceeding 0.3 per cent by weight of the finished product. Such addition need not be declared on the label. Condensed milk sweetened shall contain not less than 9.0 per cent milk fat, not less than 31.0 per cent total milk solids and not less than 40.0 per cent cane sugar.

A.11.02.12.—CONDENSED SKIMMED MILK UNSWEETENED (EVAOPORATED SKIMMED MILK) means the product obtained from cow or buffalo skimmed milk or a combination thereof by the partial removal of water. It may contain added calcium chloride, citric acid and sodium citrate, sodium salts of orthophosphoric acid and polyphosphoric acid (as linear phosphate [5][* * *]) not exceeding 0.3 per cent by weight of the finished product. Such addition need not be declared on the label. Condensed skimmed milk unsweetened shall contain not less than 20.0 per cent total milk solids. The fat content shall not exceed 0.5 per cent by weight.

[5a][If the product is subjected to Ultra High Temperature (UHT) treatment by heating it at a temperature of not less than 140°C for a minimum period of 3 seconds followed by aseptic packaging, it shall be designated as UHT and labelled as specified under clause (*ddd*) of sub-rule (B) or Rule 42.]

A.11.02.13.—CONDENSED SKIMMED MILK SWEETENED means the product obtained from cow or buffalo skimmed milk or a combination thereof by the partial removal of water and after addition of cane sugar. It may contain added refined lactose, calcium chloride, citric acid and sodium citrate, sodium salts of orthophosphoric acid and polyphosphoric acid (as linear phosphate [5][* * *]) not exceeding 0.3 per cent by weight of the finished product. Such addition need not be declared on the label. Condensed skimmed milk sweetened shall contain not less than 26.0 per cent of total milk solids and not less than 40.0 per cent cane sugar. The fat content shall not exceed 0.5 per cent by weight.

A.11.02.14.—MILK POWDER means the product obtained from cow or buffalo milk or a combination thereof or from standardised milk, by the removal of water. It may contain calcium chloride, citric acid and sodium

5. Words "with a degree of polymerisation up to 6 units" *omitted* by Noti. No. GSR 503 (E), dt. 1-9-1981 (w.e.f. 1-9-1981).

5a. *Ins.* by GSR 223 (E), dt. 20-5-1996 (w.e.f. 20-11-1996).

citrate, sodium salts of orthophosphoric acid and polyphosphoric acid (as linear phosphate [5][* * *]) not exceeding 0.3 per cent by weight of the finished product, and 0.01 per cent of butylated hydroxyanisole (BHA) by weight of the finished product. Such addition need not be declared on the label. [6][For improving dispersibility, it may contain lecithin to a maximum limit of 0.5 per cent under label declaration as per Rule 42(*ee*).] Milk powder shall contain not more than 5.0 per cent moisture and not less than 26.0 per cent milk fat. [7][The maximum acidity expressed as lactic acid shall not be more than 1.2 per cent. The plate count shall not exceed 50,000 per gram and [8][coliform shall be absent in 0.1 gram of the powder].] Solubility index of the product shall be as follows :

	Roller-dried	Spray-dried
[9][* * *]	[9][* * *]	[9][* * *]
[10][Solubility per cent (minimum)	85.0	98.5]

[11] [* * *]

The process of drying shall be mentioned on the label. The spray-dried product shall be packed in [11a][nitrogen or mixture of nitrogen and carbon dioxide in] hermetically sealed containers [* * *].[11b]

[12][Provided that the spray-dried milk powder meant for reconstitution into liquid milk and not for direct consumption as such may also be packed in bags of food grade poly-ethylene of minimum thickness 0.050 mm, encased with multi-walled kraft paper bags, or packs made out of kraft paper sandwich laminated to high density polyethylene woven fabric. The product shall be stored below 20 degree centigrade and a statement to this effect shall be made on the package, along with the date of manufacture. In addition to compliance with the labelling provisions contained in Rule 32, such bags shall also be clearly labelled as "Not for direct consumption" and "To be used before....]

A.11.02.15.—Skimmed Milk Powder means the product obtained from skimmed milk of cow or buffalo milk or a combination thereof by the removal of water. It may contain added calcium chloride, citric acid and sodium citrate, sodium salts of orthophosphoric acid and polyphosphoric acid (as linear phosphate [5][* * *]) not exceeding 0.3 per cent by weight of the finished product. Such addition need not be declared on the label. Skimmed milk powder shall not contain more than 1.5 per cent milk fat and moisture shall not exceed 5.0 per cent. [13][The total acidity expressed as lactic acid shall not exceed 1.5 per cent. The plate count shall not exceed 50,000 per gram and [8][coliform shall be absent in 0.1 gram of the powder].] The solubility index of the product shall be as follows :

	Roller-dried	Spray-dried
[9][* * *]	[9][* * *]	[9][* * *]
[10][Solubility per cent (minimum)	85.0	98.5]

6. *Ins.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
7. *Ins.* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-2-1975).
8. *Subs.* by Noti. No. GSR 11(E), dt. 4-1-1985 (w.e.f. 4-1-1985) as corrected by GSR 368(E), dt. 18-4-1985.
9. *Omitted* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-5-1974).
10. *Subs.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
11. *Omitted* by Noti. No. GSR 503(E), dt. 1-9-1981 (w.e.f. 1-9-1981).
11a. *Ins.* by Noti. No. GSR 10(E), dt. 7-1-1991 (w.e.f. 7-7-1991).
11b *Omitted* by Noti. No. GSR 764(E), dt. 7-9-1990 (w.e.f. 7-12-1990).
12. *Ins.* by Noti. No. GSR 12(E), dt. 5-1-1987 (w.e.f. 5-1-1987).
13. *Subs.* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-2-1975).

The process of drying shall be mentioned on the label.

A.11.02.16.—PARTLY SKIMMED MILK POWDER means the product obtained from partly skimmed cow or buffalo milk or a combination thereof by the removal of water. It may contain added calcium chloride, citric acid and sodium citrate, sodium salts of orthophosphoric acid and polyphosphoric acid (as linear phosphate [14][* * *]) not exceeding 0.3 per cent by weight of the finished product. Such addition need not be declared on the label. Partly skimmed milk powder shall not contain more than 5.0 per cent moisture and [15][fat content of the product shall be more than 1.5 and less than 26.0 per cent]. Butylated hydroxyanisole (BHA) not exceeding 0.01 per cent by weight of the finished product may be added. The exact fat content shall be indicated on the label. The minimum solubility/solubility index of the product shall conform to the following standards:

	Roller-dried	Spray-dried
[16][* * *]	[16][* * *]	[16][* * *]
[17][Solubility per cent (minimum)	85.0	98.5]

The process of drying shall be mentioned on the label. The spray-dried product shall be packed in hermetically sealed containers [* * *][17a].

[18][Partly skimmed milk powder (sour) used by industry like bakery may contain sodium bicarbonate as a neutralizer, provided that the resultant product is labelled as "UNFIT FOR DIRECT CONSUMPTION". The amount of food additives including neutralizers added shall, however be same as prescribed for partly skimmed milk powder. It shall also conform to other standards prescribed for partly skimmed milk powder except that solubility percentage will be 75 per cent, minimum by weight.]

[19][A.11.02.17.—KHOYA means the product obtained from cow or buffalo [20][or goat or sheep] milk [21][or milk solids] or a combination thereof by rapid drying. The milk fat content shall not be less than 20 per cent of the finished product.] [21][It may contain citric acid not more than 0.1 per cent by weight.]

Notes

In *Jaswant Ram* v. *State of Punjab*, [(1979) 1 FAC 16] it was found that on the representation of businessmen dealing in *khoa* the Government was considering the matter as to whether there was any cause for increasing the permitted moisture content, in *khoa* and meanwhile it had issued a direction that till the final decision is taken on the said representation no prosecution be launched in cases where moisture content did not exceed 35 per cent. It was held that the court below rightly were of the view that till the standard prescribed in the rules stands unamended they would not be in a position to ignore the rules by according preference to the Government instructions over the rules.

14. Words "with a degree of polymerisation up to 6 units" *omitted* by Noti. No. GSR 503(E), dt. 1-9-1981 (w.e.f. 1-9-1981).
15. *Subs.* by Noti. No. GSR 550(E), dt. 4-7-1985 (w.e.f. 4-7-1985).
16. *Omitted* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-5-1974).
17. *Subs.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
17a. *Omitted* by Noti. No. GSR 764(E), dated 7-9-1990 (w.e.f. 7-12-1990).
18. *Ins.* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-5-1974).
19. *Subs.* by Noti. No. GSR 133, dt. 23-1-1979.
20. *Ins.* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-5-1974).
21. *Ins.* by Noti. No. GSR 550(E), dt. 4-7-1985 (w.e.f. 4-7-1985).

[22][A.11.02.18.—INFANT MILK FOOD.—The material prepared by spray drying or by roller drying of the milk of cow or buffalo or a mixture thereof. The milk may be modified by the partial removal/substitution of different milk solids, carbohydrates, such as sucrose, dextrose and dextrins, maltose and lactose, salts like phosphates and citrates, vitamins A, D, E, B Group, Vitamin C and other vitamins; and minerals like iron, copper, zinc and iodine. The source of iron may be selected from,—

Ferrous sulphate,	Ferrous citrate,
Ferrous fumerate,	Ferrous succinate,
Ferric ammonium citrate,	Ferric pyrophosphate.

It shall be free from starch and added anti-oxidants. It shall also be free from dirt and extraneous matter, preservatives and added colour and flavour and from any material which is harmful to human health. It shall not have rancid taste or musty odour. It shall also conform to the following standards, namely :—

1.	Moisture, per cent by weight (not more than)	—4.5
2.	Total milk protein, per cent by weight (not less than)	—12.0
3.	Milk fat, per cent by weight (not less than)	—18.0
4.	Total ash, per cent by weight (not more than)	—8.5
5.	Ash insoluble in dilute Hydrochloric acid, per cent by weight (not more than)	—0.1
6.	Solubility—	
	(*a*) Solubility Index maximum—	
	(if roller dried)	—15.0 ml
	(if spray dried)	—2.0 ml
	(*b*) Solubility per cent by weight (not less than)	
	(if roller dried)	—85.0
	(if spray dried)	—98.5
7.	Vitamin A, (as retinol) mcg. per 100 g. (not less than)	—350
8.	Added Vitamin D (expressed as Cholecalciferol) I.U. per 100 g (not less than)	—180
9.	Iron, mg per 100 g. (not less than)	—5.0
10.	Thiamine, mcg per 100 g. (not less than)	—185
11.	Nicotinamide, mcg per 100 g. (not less than)	—1160
12.	Riboflavin, mcg per 100 g. (not less than)	—275
13.	Vitamin B_6, mcg per 100 g. (not less than)	—160
14.	Vitamin B_{12}, mcg per 100 g. (not less than)	—0.7
15.	Folic acid, mcg per 100 g. (not less than)	—20
16.	Pantothenic acid, mg per 100g. (not less than)	—1.4
17.	Biotin, mcg per 100g. (not less than)	—7.0

22. *Subs.* by Noti. No. GSR 257(E), dt. 3-5-1991 (w.e.f. 3-11-1991) as corrected by GSR 531(E), dt. 14-8-1991.

18.	Vitamin C, mg per 100 g. (not less than)	—35
19.	Vitamin K, mcg per 100 g. (not tess than)	—18
20.	Copper mcg per 100 g. (not less than)	—280
21.	Iodine, mcg per 100 g. (not less than)	—20
22.	Manganese (Mn), mcg per 100 g. (not less than)	—20
23.	Zinc, mg per 100 g. (not less than)	—2.5
24.	Sodium (Na), mg per 100 g. (not less than)	—90
25.	Potassium (K), mg per 100 g. (not less than)	—370
26.	Chloride (Cl), mg per 100 g. (not less than)	—250
27.	Phosphorus (P), mg per 100 g. (not less than)	—115
28.	Magnesium (Mg), mg per 100 g. (not less than)	—22
29.	Calcium (Ca), mg per 100 g. (not less than)	—230
30.	Choline, mg per 100 g. (not less than)	—32
31.	Bacterial count, per g. (not more than)	—40,000
32.	Coliform count	—absent in 0.1 g.

It shall be packed in hermetically sealed, clean and sound containers or in flexible pack made from film or combination or any of the substrate made of board paper, polyethylene, polyester metallized film or aluminium foil in such a way to protect from deterioration.

It shall be packed in nitrogen or a mixture of nitrogen and carbon-dioxide.]

[23][A.11.02.18.01.—INFANT FORMULA means the product prepared by spray drying or roller drying of the milk of cow or buffalo or a mixture thereof. The milk may be modified by the partial removal/substitution of milk fat with vegetable oils rich in poly-unsaturated fatty acids and/or by different milk solids; carbohydrates such as sucrose, dextrose and dextrins, maltose and lactose; salts such as phosphates and citrates; vitamins A, D, E, B and C Group and other vitamins, minerals such as iron, copper, zinc and iodine and others. The source of iron may be selected from—

Ferrous sulphate,	Ferrous citrate,
Ferrous fumerate,	Ferrous succinate,
Ferric ammonium citrate,	Ferric pyrophosphate.

It shall be free from added starch, added antioxidants, added colour and added flavour. It shall not have rancid taste and musty odour. Vegetable oils rich in polyunsaturated fatty acids shall be added to partially substituted milk fat to an extent that the product shall contain a minimum of 12 per cent by weight of milk fat and a minimum of linoleate content of 1.398 g. per 100 g. of the product.

The product shall also contain a minimum of 0.70 I.U. of Vitamin E per 100 K. Cal.

It shall conform to the following standard, namely:—

1.	Moisture, per cent by weight (not more than)	—4.5
2.	Total milk protein, per cent by weight (not less than)	—12.0

23. *Ins.* by Noti. No. GSR 257(E), dt. 3-5-1991 (w.e.f. 3-11-1991) as corrected by GSR 531(E), dt. 14-8-1991.

3.	Total fat, per cent by weight (not less than)	—18.0
4.	Total ash, per cent by weight (not more than)	—8.5
5.	Ash insoluble in dilute hydrochloric acid, per cent by weight (not more than)	—0.1
6.	Solubility—	
	(*a*) Solubility Index, maximum	
	(if roller dried)	—15.0 ml
	(if spray dried)	—2.0 ml
	(*b*) Solubility per cent by weight (not less than)	
	(if roller dried)	—85.0
	(if spray dried)	—98.5
7.	Vitamin A (as retinol), mcg. per 100 g (not less than)	—350
8.	Added Vitamin D (expressed as cholecalciferol) I.U. per 100 g. (not less than)	—180
9.	Iron, mg. per 100 g. (not less than)	—5.0
10.	Thiamine, mcg per 100 g. (not less than)	—185
11.	Riboflavin, mcg per 100 g. (not less than)	—275
12.	Nicotinamide, mcg per 100 g. (not less than)	—1160
13.	Vitamin B_6 mcg per 100 g. (not less than)	—160
14.	Vitamin B_{12} mcg per 100 g. (not less than)	—0.7
15.	Folic acid mcg per 100 g. (not less than)	—20
16.	Pantothenic acid, mg per 100 g (not less than)	—1.4
17.	Biotin, mcg per 100 g. (not less than)	—7.0
18.	Vitamin C, mg 100 g. (not less than)	—35
19.	Vitamin K, mcg per 100 g. (not less than)	—18
20.	Copper, mcg per 100 g. (not less than)	—280
21.	Iodine, mcg per 100 g (not less than)	—20
22.	Manganese, mcg per 100 g. (not less than)	—20
23.	Zinc, mg per 100 g. (not less than)	—2.5
24.	Sodium (Na), mg per 100 g. (not less than)	—90
25.	Potassium (K), mg per 100 g. (not less than)	—370
26.	Chloride (Cl), mg per 100 g. (not less than)	—250
27.	Phosphorus (P), mg per 100 g. (not less than)	—115
28.	Magnesium (Mg), mg per 100 g. (not less than)	—22
29.	Calcium (Ca), mg per 100 g. (not less than)	—230

30.	Choline, mg per 100 g. (not less than)	—32
31.	Bacterial count per g. (not more than)	—40,000
33.	Coliform count	—absent in 0.1 g.

It shall be packed in hermetically sealed, clean and sound containers or in flexible pack made from film or combination or any of the substrate made of board paper, polyethylene, polyester metallised film or aluminium foil in such a way to protect from deterioration.

It shall be packed in nitrogen or a mixture of nitrogen and carbon-dioxide.]

A.11.02.18.02—MILK-CEREAL BASED WEANING FOODS.—Milk-cereal based weaning foods are obtained from a variety of cereals, vegetable oils and proteins, milk solid different carbohydrates such as sucrose, dextrose, dextrins, maltose and lactose, iron and calcium salts; phosphates and citrates and other nutritionally significant minerals and vitamins. It may also contain fruits and vegetables. It shall be in the form of powder. small granules or flakes, free from lumps and shall be uniform in appearance. The source of iron shall be selected from—

Ferrous sulphate,	Ferrous citrate,
Ferrous fumerate,	Ferrous succinate,
Ferric ammonium citrate,	Ferric pyrophosphate.

It shall be free from dirt and extraneous matter and free from preservatives, added colour, flavour and antioxidants. It shall be free from any material which is harmful to human health. It shall contain a minimum of 20 per cent milk solids by weight of the product of which milk fat shall be a minimum of five per cent by weight.

It shall conform to the following standards, namely—

1.	Moisture, per cent, weight (not more than)	—5.0
2.	Total milk protein, per cent by weight (not less than)	—12.0
3.	Fat, per cent by weight (not less than)	—7.5
4.	Total Carbohydrates, per cent by weight (not less than)	—55.0
5.	Total ash, per cent by weight (not more than)	—5.0
6.	Ash insoluble in dilute hydrochloric acid, per cent by weight (not more than)	—0.1
7.	Crude fibre (on dry basis, per cent by weight) (not more than)	—1.0
8.	Vitamin A (as retinol), mcg per 100 g (not less than)	—350
9.	Vitamin C, mg per 100 g (not less than)	—25
10.	Added Vitamin D, mcg per 100 g (expressed as cholecalciferol)	—5
11.	Bacterial count per g (not more than)	—40,000
12.	Coliform count	—absent in 0.1 g.

It shall also contain the following :—

1.	Thiamine (as hydrochloride), mg per 100 g (not less than)	—0.5
2.	Riboflavin, mg per 100 g (not less than)	—0.6
3.	Nicotinic acid, mg per 100 g (not less than)	—5
4.	Iron, mg per 100 g (not less than)	—5

It shall be packed in hermetically sealed, clean and sound containers or in flexible pack made from film or combination or any of the substrate made of board paper, polyethylene polyester metallised film or aluminium foil in such a way to protect from deterioration.]

A.11.02.19.—TABLE (CREAMERY) BUTTER means the product obtained from cow or buffalo milk or a combination thereof or from cream or curd obtained from cow or buffalo milk or a combination thereof with or without the addition of common salt and annatto or carotene as colouring matter. It shall be free from other animal fats, wax and mineral oils, vegetable oils and fats. No preservative except common salt and no colouring matter except annatto or carotene shall be added. It shall contain not less than 80.0 per cent by weight of milk fats, not more than 1.5 per cent by weight of curd and not more than 3.0 per cent by weight of common salt. Diacetyl may be added as a flavouring agent but, if so used, the total diacetyl content shall not exceed 4.0 parts per million. Calcium hydroxide, sodium bicarbonate, sodium carbonate, sodium polyphosphate, (as linear phosphate [1][***]) may be added for regulating the hydrogen ion concentration in the finished products not exceeding 0.2 per cent by weight of butter as a whole.

A.11.02.20.—DESHI (COOKING) BUTTER means the product obtained from cow or buffalo milk or a combination thereof or curd obtained from cow or buffalo milk/or a combination thereof without the addition of any preservative including common salt, any added colouring matter or any added flavouring agent. It shall be free from other animal fats, wax and mineral oils, vegetable oils and fats. It shall contain not less than 76.0 per cent of milk fat by weight :]

[2][Provided that where butter is sold or offered for sale without any indication as to whether it is table butter or deshi butter, the standards of quality prescribed for table butter shall apply.]

Notes

Butter is not primary food. While table butter (A.11.02.19) has to contain not less than 80% by weight of milk fat a little laxity is shown to Deshi butter (A.11.02.20) which has to contain 76% milk fat by weight. Where Deshi butter contained 70.9% by weight of milk fat it was adulterated. [*Food Inspector* v. *A.V.S. Das*, 1985 Cri LJ 1617 : 1985 (2) FAC 143 : 1985 FCJ 443.]

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1. Words "with a degree of polymerisation up to 6 units" *omitted* by Noti. No. GSR 503(E), dt. 1-9-1981 (w.e.f. 1-9-1981).
2. *Ins.* by Noti. No. GSR 133, dt. 23-1-1973.

[3][A.11.02.21.—GHEE means the pure clarified fat derived solely from milk or curd or from deshi (cooking) butter or from cream to which no colouring matter or preservative has been added. The standards of quality of ghee produced in a State or Union Territory specified in Column 2 of the Table below shall be as specified against the said State or Union Territory in the corresponding Columns 3, 4, 5 and 6 of the said Table.

TABLE

Sl. No.	Name of the State/ Union Territory	Butyro-refractometer reading at 40°C	Minimum Reichert value	Percentage of FFA as Oleic acid (Max.)	Percentage of Moisture (Max.)
1	2	3	4	5	6
1.	Andhra Pradesh	40.0 to 43.0	24	3.0	0.5
2.	Andaman and Nicobar Islands	41.0 to 44.0	24	3.0	0.5
3.	Arunachal Pradesh	40.0 to 43.0	26	3.0	0.5
4.	Assam	40.0 to 43.0	26	3.0	0.5
5.	Bihar	40.0 to 43.0	28	3.0	0.5
6.	Chandigarh	40.0 to 43.0	28	3.0	0.5
7.	Dadra and Nagar Haveli	40.0 to 43.0	24	3.0	0.5
8.	Delhi	[40.0 to 43.0][4]	28	3.0	0.3
9.	(*a*) Goa	40.0 to 43.0	26	3.0	0.5
	(*b*) Daman and Diu	40.0 to 43.5	24	3.0	0.5
10.	Gujarat :				
	(*a*) Areas other than cotton tract areas	40.0 to 43.5	24	3.0	0.5
	(*b*) Cotton tract areas	41.5 to 45.0	21	3.0	0.5
11.	Haryana :				
	(*a*) Areas other than cotton tract areas	40.0 to 43.0	28	3.0	0.5
	(*b*) Cotton tract areas	40.0 to 43.0	26	3.0	0.5
12.	Himachal Pradesh	40.0 to 43.0	26	3.0	0.5
13.	Jammu & Kashmir	40.0 to 43.0	26	3.0	0.5
14.	Karnataka :				
	(*a*) Areas other than Belgaum District	40.0 to 43.0	24	3.0	0.5
	(*b*) Belgaum District	40.0 to 44.0	26	3.0	0.5
15.	Kerala	40.0 to 43.0	26	3.0	0.5

3. *Subs.* by Noti. No. GSR 579(E), dt. 13-10-1980 (w.e.f. 31-10-1980).
4. Corrected by GSR 283, dt. 25-2-1981 for "40.5 to 43.0".

1	2	3	4	5	6
16.	Lakshadweep	40.0 to 43.0	26	3.0	0.5
17.	Madhya Pradesh :				
	(*a*) Areas other than cotton tract areas	40.0 to 44.0	26	3.0	0.5
	(*b*) Cotton tract areas	41.5 to 45.0	21	3.0	0.5
18.	Maharashtra :				
	(*a*) Areas other than cotton tract areas	40.0 to 43.0	26	3.0	0.5
	(*b*) Cotton tract areas	41.5 to 45.0	21	3.0	0.5
19.	Manipur	40.0 to 43.0	26	3.0	0.5
20.	Meghalaya	40.0 to 43.0	26	3.0	0.5
21.	Mizoram	40.0 to 43.0	26	3.0	0.5
22.	Nagaland	40.0 to 43.0	26	3.0	0.5
23.	Orissa	40.0 to 43.0	26	3.0	0.5
24.	Pondicherry	40.0 to 44.0	26	3.0	0.5
25.	Punjab	40.0 to 43.0	28	3.0	0.5
26.	Rajasthan :				
	(*a*) Areas other than Jodhpur Division	40.0 to 43.0	26	3.0	0.5
	(*b*) Jodhpur Division	41.5 to 45.0	21	3.0	0.5
27.	Tamil Nadu	41.0 to 44.0	24	3.0	0.5
28.	Tripura	40.0 to 43.0	26	3.0	0.5
29.	Uttar Pradesh	40.0 to 43.0	26	3.0	0.5
30.	West Bengal :				
	(*a*) Areas other than Bishnupur Sub-Division	40.0 to 43.0	28	3.0	0.5
	(*b*) Bishnupur Sub-Division	41.5 to 45.0	21	3.0	0.5
31.	Sikkim	40.0 to 43.0 (Boudouin test shall be negative)	28	3.0	0.5

Explanation.—By cotton tract is meant the areas in the States where cotton seed is extensively fed to the cattle and so notified by the State Government concerned.]

[4a][A.11.02.21.01—BUTTER OIL OR BUTTER FAT are products exclusively obtained from butter or cream and resulting from the removal of practically the entire water and solids-not-fat contents.

It may contain permitted anti-oxidants not exceeding 0.02 per cent by weight except gallate which shall not exceed 0.01 per cent by weight. It shall conform to standards of quality of ghee laid down in item A.11.02.21 except Butyro refractometer reading which shall be 40.0-44.0 at 40°C. In case of imported butter oil, Reichert value shall not be less than 24.

4a. *Ins.* by Noti. No. GSR 10(E), dt. 7-1-1991 (w.e.f. 7-7-1991).

A.11.02.22—CHAKKA means a white to pale yellow semi-solid product of good texture and uniform consistency obtained by draining off the whey from the Yoghurt obtained by the lactic fermentation of cow's milk, buffalo's milk, skimmed milk and recombined or standardised milk which has been subjected to minimum heat treatment equivalent to that of pasteurisation. It shall have pleasant Yoghurt/Dahi-like flavour. It shall not contain any ingredient foreign to milk. It shall be free from mouldiness and free from signs of fat or water seepage or both. It shall be smooth and it shall not appear dry. It shall not contain extraneous colour and flavours. It shall conform to the following requirements, namely :—

		Chakka	Skimmed milk Chakka
(*i*)	Total solids, per cent by weight	Min. 30	Min. 20
(*ii*)	Milk fat (on dry basis) per cent by weight	Min. 33	Max. 5
(*iii*)	Milk protein (on dry basis) per cent by weight	Min. 37	Min. 60
(*iv*)	Titrable acidity (as lactic acid) per cent by weight	Max. 2.5	Max. 2.5
(*v*)	Total ash (on dry basis) per cent by weight	Max. 3.5	Max. 5.0

Chakka when sold without any indication shall conform to the standards of Chakka.

A.11.02.22.01—SHRIKHAND means the product obtained from Chakka or Skimmed Milk Chakka to which milk fat is added. It may contain fruit, nuts, sugar, cardamom, saffron and other spices. It shall not contain any added colouring and artificial flavouring substances. It shall conform to the following specifications, namely :—

(*i*)	Total solids, per cent by weight	Not less than 58
(*ii*)	Milk fat (on dry basis) per cent by weight	Not less than 8.5
(*iii*)	Milk protein (on dry basis) per cent by weight	Not less than 10.5
(*iv*)	Titrable acidity (as lactic acid) per cent by weight	Not more than 1.4
(*v*)	Sugar (Sucrose) (on dry basis) per cent by weight	Not more than 72.5
(*vi*)	Total ash (on dry basis) per cent by weight	Not more than 0.9

In case of Fruit Shrikhand it shall contain Milk fat (on dry basis) per cent by weight. . . . Not less than 7.0 and Milk Protein (on dry basis) per cent by weight. . . Not less than 9.0]

NOTES

"Mandapota ghee" produced in Andhra Pradesh is covered by Serial No. 1 of the Table to item No. A.11.02.21. [*Food Inspector* v. *Kouchada B.N. Subudhi*, 1988 FAJ 315.]

[5][A.12.—MARGARINE means an emulsion of edible oils and fats with water. It shall be free from rancidity, [* * *][5a] mineral oil and animal body fats. It may contain common salt not exceeding 2.5 per cent, [5b][skimmed milk powder not exceeding 2 per cent],

5. *Subs.* by Noti. No. GSR 238(E), dt. 23-4-1978 (w.e.f. 20-4-1978).

5a. Words "added colouring and flavouring substances" *omitted* by Noti. No. GSR 907(E), dt. 4-12-1992 (w.e.f. 4-12-1992).

5b. *Ins.* by Noti. No. GSR 575(E), dt. 4-8-1995 (w.e.f. 4-8-1995).

permitted emulsifying and stabilising agents and butylated-hydroxy anisole (BHA) up to a maximum limit of 0.02 per cent. It shall conform to the following specifications, namely :—

1. Fat—Not less than 80 per cent mass/mass.

2. Moisture—Not less than 12 per cent and not more than 16 per cent mass/mass.

3. Vitamin A—Not less than 30 I.U. per gram of the product at the time of sale.

[6][4. Melting point of extracted fat—31°C to 37°C (Capillary Slip method).

5. Unsaponifiable matter of extracted fat.	Not more than 1.5 per cent by weight.
6. Free fatty acids (as oleic acid) of extracted fat.	Not more than 0.25 per cent by weight.
OR	
Acid value	Not more than 0.5]

It shall contain not less than 5 per cent of its weight of Til oil but sufficient to ensure that when separated fat is mixed with refined groundnut oil in the proportion of 20 :80, the red colour produced by the Baudouin test shall not be lighter than [7][2.5] red units in 1 cm. cell on a Lovibond scale.

[7a][It may contain Annatto or Carotene as colouring matter. It may also contain diacetyl as a flavouring agent up to a maximum limit of 4.0 ppm.

Provided that such coloured and flavoured margarine shall also contain starch not less than 100 ppm and not more than 150 ppm.

Provided further that such coloured and flavoured margarine shall only be sold in sealed packages weighing not more than 500 gms.]

Note.—The oils to be used in the manufacture of margarine shall be the same as used in the manufacture of vanaspati specified in the Vegetable Oil Products Control Order, 1947.]

A.13.—[8][*Omitted.*]

A 14.—[9][TEA means tea, other than Kangra tea] derived exclusively [10][from the leaves, buds and tender stems of plants] of the Camellia genus and the species [11][and includes (*i*) leaf, (*ii*) broben, (*iii*) fanning and (*iv*) dust]. It shall conform to the following specifications :

(*a*) Total ash determined on tea dried to a constant weight at 100°C.	[12][[13][4.0 to 8.0] per cent by weight [14][* * *]].
(*b*) Total ash soluble in boiling distilled water.	Not less than 40.0 per cent of total ash.
(*c*) Ash insoluble in HCl.	[12][Not more than 1.0 per cent by wt. on dry basis].
(*d*) Extract obtained by boiling dry tea (dried to constant weight at 100°C).	Not less than [15][32 per cent].

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6. *Ins.* by Noti. No. GSR 245(E), dt. 11-3-1982 (w.e.f. 11-3-1982).
7. *Subs.* by Noti. No. GSR 245(E), dt. 11-3-1982 (w.e.f. 11-3-1982) for "2.0".
7a. *Ins.* by Noti. No. 907(E), dt. 4-12-1992 (w.e.f. 4-12-1992).
8. *Omitted* by GSR 1533, dt. 8-7-1968.
9. *Subs.* by Noti. No. GSR 850, dt. 25-6-1975.
10. *Subs.* by Noti. No. SRO 2755, dt. 24-11-1956.
11. *Ins.* by Noti. No. GSR 63(E), dt. 5-2-1976.
12. *Subs.* by Noti. No. 57(E), dt. 11-2-1982 (w.e.f. 11-2-1982).
13. *Subs.* by Noti. No. 848(E), dt. 19-11-1983 (w.e.f. 19-11-1983).
14. *Omitted* by Noti. No. 816(E), dt. 3-11-1983 (w.e.f. 3-11-1983).
15. *Subs.* by Noti. No. GSR 992, dt. 4-6-1971 (w.e.f. 3-7-1971).

with 100 parts of distilled water for one hour under reflux	
(*e*) Alkalinity of soluble ash	[12][Not less than 1.0 per cent and not more than 2.2 per cent expressed as K_2O on dry basis].
(*f*) Crude fibre [16][determined on tea dried to constant weight at 100°C]	Not more than [17 per cent].

[17][It shall not contain any added colouring matter [18][* * *]. [19][It may also contain 0.2 per cent pectinase enzyme :]

Provided that tea for export may contain added flavour under proper label declaration as provided in sub-rule (Y) of Rule 42 :

Provided further that the tea used in the manufacture of flavoured tea shall conform to the standards of tea.]

[20][Provided also that tea for domestic market may contain added vanillin flavour up to a maximum extent of 0.5 per cent by weight [21][and other flavours up to a maximum extent as indicated in the Table below under proper label declaration as provided in sub-rule (YY) of Rule 42.

TABLE

Flavours	Per cent by weight (Max.)
Cardamom	2.8
Ginger	1.0
Bergamot	2.0
Lemon	1.6
Cinnamon	2.0
Mixture of above flavours with each other	The level of each individual flavour shall not exceed the quantity given above.]

NOTES

The presence of iron filings in the sample of tea would make it adulterated only if it can be shown that such presence affects injuriously the nature, substance and quality thereof. [*Brooke Bond Tea India Ltd.* v. *State of H.P.*, 1984 Cri LJ 1201 (HP)].

[22][A. 14.01—KANGRA TEA means tea derived exclusively from the leaves, buds and tender stems of plants of the Camellia sinesis or Camellia tea grown

16. *Ins.* by Noti. No. GSR 992, dt. 4-6-1971 (w.e.f. 3-7-1971).
17. *Ins.* by Noti. No. GSR 1211, dt. 9-12-1958.
18. Words "or added flavouring matter" *omitted* by Noti. No. GSR 847(E), dt. 7-12-1994 (w.e.f. 7-12-1994).
19. *Ins.* by Noti. No. GSR 121(E) dt. 11-3-1996 (w.e.f. 11-3-1996).
20. *Ins.* by Noti. No. GSR 847(E), dt. 7-12-1994 (w.e.f. 7-12-1994) as corrected by Noti. No. GSR 329(E), dt. 4-4-1995.
21. *Subs.* by Noti. No. GSR 698(E), dt. 26-10-1995 (w.e.f. 26-10-1995).
22. *Ins.* by Noti. No. GSR 850, dt. 25-6-1975.

in Kangra and Mandi valleys of Himachal Pradesh. It shall conform to the following specification, namely :

(*a*) Total ash determined on tea dried to a constant weight at 100°C	[[23]5.0 to 9.0 per cent by weight.]
(*b*) Total ash soluble in boiling distilled water	Not less than 34 per cent of total ash.
(*c*) Ash insoluble in dilute hydrochloric acid	[24][Not more than 1.2 per cent by weight on dry basis].
(*d*) Extract obtained by boiling dry tea (dried to constant weight at 100°C) with 100 parts of distilled water for one hour under reflux	Not less than 23 per cent.
(*e*) Alkalinity of soluble ash	[24][Not less than 1.0 per cent and not more than 2.2 per cent expressed as K_2O on dry basis.]
(*f*) Crude fibre determined on tea dried to a constant weight at 100°C	Not more than 18.5 per cent.

It shall not contain any added colouring matter [18][* * *]. [19][It may also contain 0.2 per cent pectinase enzyme :]

Provided that tea for export may contain added flavour under proper label declarations provided under sub-rule (Y) of Rule 42 :

Provided further that the tea used in the manufacture of flavoured tea shall conform to the standards of tea :]

Provided that if tea is sold or offered for sale without any indication as to whether it is Kangra tea or not, the standards of quality of tea prescribed in item A.14 shall apply.]

[25][Provided also that tea for domestic market may contain added vanillin flavour up to a maximum extent of 0.5 per cent by weight [26][and other flavours up to a maximum extent as indicated in the Table below under proper label declaration as provided in sub-rule (YY) of Rule 42.

TABLE

Flavours	per cent by weight (Max.)
Cardamom	2.8
Ginger	1.0
Bergamot	2.0
Lemon	1.6
Cinnamon	2.0

23. *Subs.* by Noti. No. GSR 816(E), dt. 3-11-1983 (w.e.f. 3-11-1983).
24. Subs. by Noti. No. GSR 57(E), dt. 11-2-1982 (w.e.f. 11-2-1982).
25. *Ins.* by Noti. No. GSR 847(E), dt. 7-12-1994 (w.e.f. 7-12-1994) as corrected by Noti. No. GSR 329(E), dt. 4-4-1995.
26. *Subs.* by Noti. No. GSR 698(E), dt. 26-10-1995 (w.e.f. 26-10-1995).

Mixture of above flavours with each other	The level of each individual flavour shall not exceed the quantity given above.]

NOTES

Notification No. G.S.R. 850 of 25-6-1975 which prescribes standard for Kangra tea must be given retrospective operation. [*Sant Lal* v. *State of Punjab*, (1980) 2 FAC 394.]

The Central Government has issued circulars dated June 30, 1976 and March 26, 1981 mentioning therein that if the size of the iron filings does not exceed 2 mm. in length and the quantity is up to 250 ppm, prosecution should not be launched on the ground that the tea is not up to the standard, prescribed by the law. The Government circulars cannot have the force of law. [*Satya Prakash* v. *State of U.P.*, 1980 Cri LJ 78 (All HC)].

[1][A.15—EDIBLE COMMON SALT means a crystalline solid, white, pale, pink or light grey in colour free from visible contamination with clay, grit and other extraneous adulterant and impurities. It shall not contain moisture in excess of six per cent of the weight of the undried sample. The sodium chloride content (as NaCl) and the matter soluble in water other than sodium chloride on dry weight basis shall be as specified in columns (2) and (3) of the Table below against the period of validity mentioned in the corresponding entry in column (1) of the said Table. The matter insoluble in water shall not exceed 1.0 per cent by weight on dry weight basis.

TABLE

Period of validity	Minimum percentage of sodium chloride content as NaCl (on dry basis)	Maximum percentage of matter soluble in water other than sodium chloride (on dry basis)
(1)	(2)	(3)
Up to 31-3-1982	94.0	5.0
from 1-4-1982 to 31-3-1983	94.5	4.5
from 1-4-1983 to 31-3-1984	95.0	4.0
from 1-4-1984 to 31-3-1985	95.5	3.5
from 1-4-1985 onwards	96.0	3.0

Provided that table salt may contain aluminium silicate as an anti-caking agent to a maximum extent of 2.0 per cent :

Provided further that the total matter insoluble in water in such cases shall not exceed 2.2 per cent and sodium chloride content on dry basis shall not be less than 97.0 per cent by weight.]

NOTES

Edible salt is purified by recrystallisation. Its impurities are sulphates, heavy metals, alkaline earths, magnesium and ammonium salts.

1. *Subs.* by Noti. No. GSR 23(E), dt. 16-1-1981 (w.e.f. 16-1-1981) as corrected by Noti. No. GSR 205(E), dt. 25-3-1981.

[2][A.15.01.—IODISED SALT means a crystalline solid, white or pale, pink or light grey in colour, free from visible contamination with clay, grit and other extraneous adulterants and impurities. It shall conform to the following standards, namely :—

Moisture:	Not more than 6.0 per cent by weight of the undried sample.
Sodium Chloride (NaCl)	Not less than 96.0 per cent by weight on dry basis.
Matter insoluble in water	Not more than 1.0 per cent by weight on dry basis.
Matter soluble in water other than Sodium Chloride	Not more than 3.0 per cent by weight on dry basis.
Iodine content at—	
(*a*) Manufacture level	Not less than 30 parts per million on dry weight basis.
(*b*) Distribution channel including retail level	Not less than 15 parts per million on dry weight basis.

Provided that table iodised salt may contain aluminium silicate as an anticaking agent to a maximum extent of 2.0 per cent by weight :

Provided further that the total matter insoluble in water in such case shall not exceed 2.2 per cent and sodium chloride content on dry basis shall not be less than 97.0 per cent by weight.]

[3][A. 15.01.01—POTASSIUM IODATE means a crystalline powder, white in colour free from impurities. It shall conform to the following standards, namely:

1. Potassium Iodate (as KIO_3) per cent by wt. not less than	99.8
2. Solubility	Soluble in 30 Parts of water
3. Iodide (as I) per cent by wt. not more than	0.002
4. Sulphate (as SO_4) per cent by wt. not more than	0.02
5. Bromate, bromide, chlorate and chloride per cent by wt. not more than	0.01
6. Matter insoluble in water per cent by wt. not more than	0.10
7. Less on drying per cent by wt. not more than	0.1
8. pH (5 per cent solution)	Neutral
9. Heavymetal (as Pb) ppm not more than	10
10. Arsenic (as As) ppm not more than	3
11. Iron (as Fe) ppm not more than	10]

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2. *Subs.* by Noti. No. GSR 900(E), dt. 10-11-1987 (w.e.f. 11-2-1988) and corrected by Noti. No. GSR 72(E), dt. 3-2-1988.
3. *Ins.* by Noti. No. GSR 107(E), dt. 22-2-1994 (w.e.f. 22-2-1994) as corrected by Noti. No. GSR 494, dt. 9-7-1995.

[4][A.15.02.—IRON FORTIFIED COMMON SALT means a crystalline solid, white or pale, pink or light grey in colour, free from visible contamination with clay and other extraneous adulterants and impurities. It shall conform to the following standards, namely :

1.	Moisture	Not more than 5.0 per cent by weight.
2.	Water insoluble matter	Not more than 1.0 per cent on dry weight basis.
3.	Chloride content (as NaCl)	Not less than 96.5 per cent by weight on dry weight basis.
4.	Matter insoluble in dilute hydrochloric acid	Not more than 0.3 per cent by weight on dry weight basis (to be determined by the method specified in IS 253-1970).
5.	Matter soluble in water other than Sodium Chloride	Not more than 2.5 per cent on dry weight basis.
6.	Iron content (as Fe)	850-1100 parts per million.
7.	Phosphorus as inorganic (PO_4)	1500-2000 parts per million.
8.	Sulphate (as SO_4)	Not more than 1.1 per cent by weight.
9.	Magnesium as (Mg) water soluble	Not more than 0.10 per cent by weight.
10.	pH value in 5 per cent solution in water	2 to 3.5.

Provided that Iron Fortified Common Salt may contain aluminium silicate as an anticaking agent to a maximum extent of 2.0 per cent and in such a case the total matter insoluble in water shall not exceed 2.2 per cent on dry weight basis.]

[5][A. 16.—FRUIT PRODUCTS]

[5][A. 16.01.—FRUIT JUICE means the unfermented and unconcentrated liquid expressed from sound, ripe, fresh fruit, and with or without—

(*a*) sugar, dextrose, invert sugar, or liquid glucose, either singly or in combination,

(*b*) water, peel-oil, fruit essences and flavour, common salt, ascorbic acid, citric acid, [6][tartaric acid and malic acid] [* * *][7] and preservatives.

The acidity of the finished product calculated as citric acid shall not be less than 4 per cent in the case of pure lemon juice or pulp and not less than 5 per cent in the case of pure lime juice but shall not exceed 3.5 per cent in the case of other juices.]

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4. *Ins.* by Noti. No. GSR 11(E), dt. 4-1-1985 (w.e.f. 4-1-1985) as corrected by Noti. No. GSR 368(E), dt. 18-4-1985.
5. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.
6. *Ins.* by Noti. No. GSR 1564, dt. 17-11-1962.
7. The words "and permitted colours" *omitted* by Noti. No. GSR 677(E), dt. 6-9-1994 (w.e.f. 6-12-1996) as corrected by Noti. No. GSR 613(E), dt. 4-9-1995 and Noti. No. GSR 232(E), dt. 4-6-1996.

[8][The total soluble solids for sweetened fruit juice (except tomato juice) shall not be less than 10 per cent.]

[9][* * *]

[10][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.] [11][It may also contain fumaric acid (food grade) [12][or Quick Dissolving Fumaric Acid] certified by Bureau of Indian Standards to the extent of 0.3 per cent by weight.]

[13][A. 16.02.—TOMATO JUICE means canned or bottled, unconcentrated pasteurized juice expressed from tomato with a proportion of the pulp expressed with or without the application of heat by any method that does not add water to such juice, from whole, ripe tomatoes from which all stems and objectionable portions have been removed and with or without—

(*a*) salt,

(*b*) sugar, or dextrose, or both added in dry form,

(*c*) citric acid, malic acid or ascorbic acid,

(*d*) [9][* * *]

[14][Provided that canned tomato juice may also contain extraneous permitted colour.]

The total soluble solids w/w shall be not less than 5 per cent] [15][free of salt.]

[9][* * *]

[10][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.] [11][It may also contain fumaric acid (food grade) [12][or Quick Dissolving Fumaric Acid] certified by Bureau of Indian Standards to the extent of 0.3 per cent by weight.]

[16][A.16.03.—FRUIT SYRUP means sweetened fruit juice containing sugar, dextrose, invert sugar or liquid glucose either singly or in combination, with or without—

(*a*) water, peel-oil, fruit essences and flavours, common salt,

(*b*) citric acid, ascorbic acid,

(*c*) permitted preservative and colours.

The total soluble solid w/w shall be not less than 65 per cent.]

[17][The minimum percentage of fruit juice in the final product shall be not less than 25.0 per cent w/w.]

[9][* * *]

[10][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.] [11][It may also contain fumaric acid (food grade) certified by Bureau of Indian Standards to the extent of 0.3 per cent by weight.]

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8. *Added* by Noti. No. GSR 992, dt. 4-6-1971.
9. *Omitted* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 16-11-1985).
10. *Ins.* by Noti. No. GSR 249(E), dt. 8-3-1983.
11. *Ins.* by Noti. No. GSR 101(E), dt. 18-2-1992 (w.e.f. 18-2-1992) as corrected by Noti. No. GSR 525(E), dt. 15-5-1992.

[18][A.16.04.—FRUIT SQUASH means the expressed juice of the sound, ripe fruit with the pulp, containing sugar, dextrose, invert sugar or liquid glucose either singly or in combination and with or without—

(*a*) water, peel-oil, fruit essences and flavours, common salt,

(*b*) citric acid, ascorbic acid,

(*c*) permitted preservative and colours.

The total soluble solids w/w in the finished product shall be not less than 40 per cent.]

[19][The minimum percentage of fruit juice in the final product shall be not less than 25.0 per cent w/w.]

[9][* * *]

[20][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.]

[21][Provided that when additional sodium potassium salt is added, it shall be declared on the label as laid down in clause ZZZ(8) of Rule 42 of the said rules.]

[1][A.16.05.—FRUIT BEVERAGE OR FRUIT DRINKS means any beverage or drink which is purported to be prepared from fruit juice and water or carbonated water, and containing sugar, dextrose, invert sugar or liquid glucose either singly or in combination and with or without—

(*a*) water, peel-oil, fruit essences and flavours,

(*b*) citric acid, ascorbic acid,

(*c*) permitted preservative and colours.

The total soluble solids w/w in the final product shall be not less than 10 per cent.]

[2][The minimum percentage of fruit juice in the final product shall be not less than 5.0 per cent w/w.]

[3][* * *]

[20][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.] [4][It may also contain fumaric acid (food grade) certified by Bureau of Indian Standards to the extent of 0.3 per cent by weight.]

[1][A.16.06.—TOMATO SAUCE, TOMATO KETCHUP, TOMATO RELISH or any other expression conveying the meaning that the product so designated is a

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12. *Ins.* by Noti. No. GSR 677(E), dt. 6-9-1994 (w.e.f. 6-12-1996) as corrected by Noti. No. GSR 54(E), dt. 7-2-1995 and Noti. No. GSR 613(E), dt. 4-9-1995 and 4-6-1996.
13. Added by Noti. No. SRO 1687, dt. 14-7-1956.
14. *Ins.* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 16-11-1985).
15. *Subs.* by Noti. No. GSR 1533, dt. 8-7-1968.
16. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.
17. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.
18. *Ins.* by Noti. No. SRO 1687, dt. 14-7-1956.
19. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.
20. *Ins.* by Noti. No. GSR 249(E), dt. 8-3-1983.
21. *Added* by Noti. No. GSR 121(E), dt. 12-3-1996 (w.e.f. 12-3-1996).
1. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.

form of tomato sauce, shall be a preparation of sound and ripe tomatoes with or without—

(*a*) sugar, salt, vinegar, acetic acid, [5][onions, garlic, spices] or condiments,

(*b*) citric acid, ascorbic acid,

(*c*) permitted preservative [6][* * *]

[7][The product shall be free from skins and seeds. The product shall show no sign of fermentation when incubated at 37°C for 15 days. The mould count shall not exceed 40 per cent of the fields examined. The yeast and spores shall not exceed 125 per 1/60 c.m.m. The bacterial count shall not exceed 100 million per cc.]

Total acidity in terms of acetic acid shall be not less than [5][1.0 per cent] and the total soluble solids w/w not less than 25 per cent. It shall not contain any other vegetable substance.]

[3][* * *]

[8][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.] [9][It may also contain fumaric acid (food grade) [10][or Quick Dissolving Fumaric Acid] certified by Bureau of Indian Standards to the extent of 0.3 per cent by weight.]

[11][A.16.07.—JAM means the product obtained by processing fresh fruit, canned fruit, dried fruit or fruit pulp, with water, sugar, dextrose, invert sugar or liquid glucose either singly or in combination by boiling to a suitable consistency and with or without—

(*a*) citric, malic, ascorbic acid,

(*b*) permitted preservative and colours,

(*c*) [12][pectin derived from any fruit].

The minimum soluble solids w/w shall be [13][68 per cent]. Jam shall not contain—

(*a*) less than 45 per cent of fruit except where fruit is strawberry or raspberry where it shall contain not less than 25 per cent,

(*b*) sweetening agent other than specified above,

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2. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.
3. *Omitted* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 16-11-1985).
4. *Ins.* by Noti. No. GSR 101(E), dt. 18-2-1992 (w.e.f. 18-2-1992) as corrected by Noti. No. GSR 525(E), dt. 15-5-1992.
5. *Subs.* by Noti. No. GSR 992, dt. 4-6-1971.
6. *Omitted* by Noti. No. GSR 18(E), dt. 15-1-1977.
7. *Ins.* by Noti. No. GSR 992, dt. 4-6-1971.
8. *Ins.* by Noti. No. GSR 249(E), dt. 8-3-1983.
9. *Ins.* by Noti. No. GSR 101(E), dt. 18-2-1992 (w.e.f. 18-2-1992) as corrected by Noti. No. GSR 525(E), dt. 15-5-1992.
10. *Ins.* by Noti. No. GSR 677(E), dt. 6-9-1994 (w.e.f. 6-12-1996) as corrected by Noti. No. GSR 54(E), dt. 7-2-1995 and Noti. No. GSR 613(E), dt. 4-9-1995 and Noti. No. GSR 232(E), dt. 4-6-1996.
11. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.
12. *Subs.* by Noti. No. GSR 992, dt. 4-6-1971.
13. *Subs.* by Noti. No. GSR 1564, dt. 17-11-1962.

(*c*) apple or rhubarb, but it may contain in an amount that reasonably compensates for any deficiency in the natural acidity or pectin content of the fruit used in its preparation,

(*d*) tartaric acid, or

(*e*) [14][* * *], agar or gelatin.

[15][It shall be free from mould growth. When dry fruit is used, it shall be clearly declared on the label.]

[16][* * *]

[17][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.] [18][It may also contain fumaric acid (food grade) [1][or Quick Dissolving Fumaric Acid] certified by Bureau of Indian Standards to the extent of 0.3 per cent by weight.]

A.16.08.—[2][* * *]

[3][A.16.09.—MARMALADE means the product made from any combination of peel, pulp, and juice of the named citrus fruit by boiling with water, sugar, dextrose, invert sugar, liquid glucose either singly or in combination, to a suitable consistency and with or without an acid ingredient in an amount that reasonably compensates for any deficiency in the natural acidity of the fruit used in its preparation, consisting of—

(*a*) citric, [4][* * *], tartaric, or ascorbic acid,

(*b*) lemon or lime juice,

(*c*) [5][* * *].

It may contain permitted [6][preservatives, colours or pectin derived from any fruit].

It shall not contain less than 45 per cent of the named fruit.

Total soluble solids w/w shall be not less than [7][65 per cent].]

[8][* * *]

[9][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.] [9a][It may also contain fumaric acid (food grade)

14. *Omitted* by Noti. No. GSR 992, dt. 4-6-1971.
15. *Ins.* by Noti. No. GSR 992, dt. 4-6-1971.
16. *Omitted* by Noti. No. GSR 764(E), dt. 15-11-1984.
17. *Ins.* by Noti. No. GSR 249(E), dt. 8-3-1983.
18. *Ins.* by Noti. No. GSR 101(E), dt. 18-2-1992 (w.e.f. 18-2-1992) as corrected by Noti. No. GSR 525(E), 15-5-1992).
1. *Ins.* by Noti. No. GSR 677(E), dt. 6-9-1994 (w.e.f. 6-12-1996) as corrected by Noti. No. GSR 54(E), dt. 7-2-1995 and Noti. No. GSR 613(E), dt. 4-9-1995 and Noti. No. GSR 232(E), dt. 4-6-1996.
2. *Omitted* by Noti. No. GSR 992, dt. 4-6-1971.
3. *Added* by Noti. No. SRO 1687, dt. 28-7-1956.
4. *Omitted* by Noti. No. GSR 1564, dt. 17-11-1962.
5. *Omitted* by Noti. No. GSR 169, dt. 2-2-1961.
6. *Subs.* by Noti. No. GSR 992, dt. 4-6-1971.
7. *Subs.* by Noti. No. GSR 1564, dt. 17-11-1962.
8. *Omitted* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 16-11-1985).
9. *Ins.* by Noti. No. GSR 249(E), dt. 8-3-1983.
9a. *Ins.* by GSR 101(E), dt. 18-2-1992 (w.e.f. 18-2-1992) as corrected by GSR 525(E), 15-5-1992.

[9b][or Quick Dissolving Fumaric Acid] certified by Bureau of Indian Standards to the extent of 0.3 per cent by weight.]

A. 16.10.—[10][* * *].

[11][A.16.11.—FRUIT CHUTNEY means a preparation made from sound fruits [12][* * *] with spices, salt, onion, garlic, sugar, [12][* * *] vinegar or acetic acid, and shall contain not less than 50 per cent of total soluble solids w/w [13][and may contain permitted preservative].]

[14][The minimum percentage of fruit in the final product shall not be less than 40.0. The precentage acidity of the product expressed as acetic acid by weight shall be not less than 0.75 and not more than 2.0. The ash content shall not exceed 5.0 per cent.]

[15][It may also contain permitted emulisfying and stabilising agents as prescribed in Rule 61-C.]

[16][A.16.12.—SAUCE shall be the product derived from any suitable kind and variety of fruit and vegetable which are wholesome and which shall be practically free from insect or fungal attack or blemish affecting the quality of the fruit or vegetable. The only substances that may be added are fruit, vegetable, their pulp, juice, dried fruit, sugar, spices, salt, vinegar, acetic acid, citric acid, malic acid, onion, garlic, flavouring material [17][and permitted preservatives. It shall not contain any coal-tar dye.]

[18][* * *]

[19][The minimum total soluble solids shall not be less than 15 per cent. The total acidity in terms of acetic acid shall not be less than 1.0 per cent.]

[20][It may also contain permitted emulsifying and stabilising agents as prescribed in Rule 61-C.] [20a][It may also contain fumaric acid (food grade) certified by Bureau of Indian Standards to the extent of 0.3 per cent by weight.

NOTES

A.16.12 does not conflict with Essential Commodities Act, Section 3 read with Fruit Products Order, 1955. [*H.K. Mehta* v. *Municipal Corporation, Delhi*, 1973 Cri LJ 1511].

9b. *Ins.* by Noti. No. GSR 677(E), dt. 6-9-1994 (w.e.f. 6-12-1996) as corrected by Noti. No. GSR 54(E), dt. 7-2-1995 and Noti. No. GSR 613(E), dt. 4-9-1995 and Noti. No. GSR 232(E), dt. 4-6-1996.

10. *Omitted* by Noti. No. GSR 992, dt. 4-6-1971.

11. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.

12. *Omitted* by Noti. No. GSR 992, dt. 4-6-1971.

13. *Subs.* by Noti. No. GSR 1340, dt. 24-10-1961.

14. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.

15. *Ins.* by Noti. No. GSR 249(E), dt. 8-3-1983.

16. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.

17. *Subs.* by Noti. No. GSR 1533, dt. 8-7-1968 (w.e.f. 24-2-1969).

18. *Omitted* by Noti. No. GSR 764(E), dt. 15-11-1984 (w.e.f. 16-11-1985).

19. *Added* by Noti. No. GSR 992, dt. 8-3-1983.

20. *Ins.* by Noti. No. GSR 249(E), dt. 8-3-1983.

20a. *Ins.* by Noti. No. GSR 101(E), dt. 18-2-1992 (w.e.f. 18-2-1992) as corrected by Noti. No. GSR 525(E), dt. 15-5-1992.

[20b][A.16.12.01.—SOYABEAN SAUCE shall be the product derived from any suitable variety of sound and wholesome soyabean, free from insect or fungal or any other blemish affecting the quality of Soyabean. The only substance that may be added are spices, salt, sugar, vinegar, acetic acid, onion, garlic, wheat molasses and permitted preservatives. It shall not contain any other fruit or vegetable substance. It shall show no sign of fermentation when incubated at 28°—30°C and 37°C for three days.

It shall not contain any added colour except caramel.

The minimum total soluble solids shall not be less than 25 per cent, mass/mass as determined by refractometers at 20°C uncorrected for acidity.

The total acidity in terms of acetic acid shall not be less than 0.6 per cent mass/mass.

Mould count shall not be more than 40 per cent of the fields examined.

Yeast spores shall not be more than 125 per 1/60 c.m.m. Bacteria shall not be more than 100 million per c.c.]

[21][A.16.13.—SPICES BASED SAUCE.—Spices based sauce like chillies sauce shall be the product derived from any suitable variety of spices or condiments, singly or in combination. Such spices shall be wholesome and practically free from fungal or insect attack. The only substance that may be added are, spices—fresh or dried, sugar, salt, vinegar, acetic acid, citric acid, fumaric acid, onion, garlic, flavouring agents, permitted preservatives, permitted stabilizers and emulsifiers. It may contain caramel, but shall not contain any coal tar food colour. It may also contain small quantities of vegetable, fruit pulp or juice.

The total acidity in terms of acetic acid shall not be less than 1.0 per cent and total soluble solids shall not be less than 10.0 per cent by weight.]

[22][A.16.14.—TOMATO PUREE OR TOMATO PASTE or any other expression conveying the meaning that the product so designated is a form of tomato puree or tomato paste, shall be a preparation of sound and ripe tomatoes with or without (*a*) salt, spices and condiments; (*b*) citric acid, malic acid, tartaric acid, lactic acid and L-ascorbic acid; and (*c*) permitted preservatives.

The product shall be free from skin and seeds. It shall be free from added colouring matter. The product shall show no sign of fermentation action when incubated at 37°C for seven days.

Tomato Puree shall contain not less than 9 per cent total soluble solids by weight whereas Tomato Paste shall contain not less than 25 per cent total soluble solid by weight.]

[23][A.16.15.—FRUIT JELLY means the product prepared by boiling the fruit or its pieces or other fruit parts with or without water, expressing and straining, mixing the strained fruit extract with sugar and boiling the mixture to such a consistency that gellatinisation takes place on cooling.

Jelly may contain sugar, dextrose, invert sugar or liquid glucose, honey, fruit essence and flavours, ascorbic acid, citric acid, pectin, permitted natural flavours, permitted food colours and preservatives. It shall be free from artificial sweetening agents; it shall show no sign of fermentation. It shall not contain less than 45 per cent of the fruit extract. Total soluble solids shall

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20b. *Ins.* by Noti. No. GSR 494(E), dt. 25-7-1991 (w.e.f. 25-10-1991) as corrected by Noti. No. GSR 66(E), dated 30-1-1992.
21. *Ins.* by Noti. No. GSR 290(E), dt. 13-4-1981 (w.e.f. 13-4-1981).
22. *Ins.* by Noti. No. GSR 852(E), dt. 13-6-1986 (w.e.f. 13-6-1986).
23. *Ins.* by Noti. No. GSR 729(E), dt. 23-8-1990 (w.e.f. 23-2-1991).

not be less than 65 per cent by weight. It shall be free from extraneous plant materials.

A.16.16.—PICKLE means the preparation made from sound, clean, raw or sufficiently mature fruits or vegetables or a combination of both free from insect damage or fungus attack preserved in salt, acid, sugar or any combination of the three. The pickle may contain onion, garlic, ginger, sugar, jaggery, edible oils, spices, spice extract or oil of turmeric, pepper, chillies, fenugreek, mustardseed or powder, vegetable ingredients, asafoetida, bengal gram, lime juice, lemon juice, green chillies, vinegar or acetic acid, citric acid, dry fruit including raisins and fruit nuts.

Combination of pickles may be :

(*i*) *Pickles in citrus juice or brine.*—The percentage of salt in covering liquid shall not be less than 10 per cent when salt is used as major preserving agent. When packed in citrus juice, acidity of the covering liquid shall not be less than 1.2 per cent calculated as citric acid. Soluble calcium salt and permitted preservatives may be used in such type of pickles. Pickles shall be free from added salts of copper, alum and mineral acids.

(*ii*) *Pickles in oil.*— The fruit or vegetable percentage in the final product shall not be less than 60 per cent. The pickle shall be covered with oil so as to form a layer of not less than 0.5 cm above the contents or the percentage of oil in pickle shall not be less than 10 per cent.

The pickle shall be free from added copper, alum and mineral acid. It may contain rapeseed (rai), ajwain, saunf, black pepper and like spices, etc. Permitted preservatives may be used in pickles.

(*iii*) *Pickles in vinegar.*—Pickles in vinegar mean the preparation from sound, clean, raw or sufficientiy matured fruits or vegetables free from insect damage or fungus attack, which have been cured in brine or dry salt or salted and dried stock with or without natural fermentation. It shall contain vinegar or acetic acid and the percentage of acid in the fluid portion shall not be less than 2 per cent w/w calculated as acetic acid. It may contain sugar, whole or ground or semi-ground, spices, dried fruits, green and red chillies, ginger etc., dry fruit. Citric acid may also be added in such type of pickles. Spice extract or essences may also be used. The drained weight

of the product shall not be less than 60 per cent. The pickles shall be free from added copper, mine acid, alum or added coal tar colours and shall show no sign of fermentation. The product shall be reasonably free from sediments. Permitted preservatives may be used in pickles.]

[24][A.17.—EDIBLE OILS.]

[24][A.17.01.—COCONUT OIL (Naryal ka tel) means the oil expressed from copra obtained from the kernel of Cocos mucifera nuts. It shall be clear and free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards:

(*a*) Butyro-refractometer reading at 40°C	..	34 0 to 35.5
(*b*) Saponification value	.. ..	[25][Not less than 250]
(*c*) Iodine value	.. ..	7.5 to 10.0
(*d*) Polenske value	.. ..	Not less than 13.0
(*e*) [26][Acid value	.. ..	Not more than 6.0]
[27][(*f*) Unsaponifiable matter	.. ..	Not more than 1.0 per cent.]

[24][A.17.02.—[27a][COTTON SEED OIL (Binole ka tel) means the oil extracted from clean, sound delinted and decorticated cotton seeds (genus Gossypium). It shall be refined.] It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards:

(*a*) Butyro-refractometer reading at 40°C	..	[28][55.6 to 60.2]
(*b*) Saponification value	.. ..	190 to 198
(*c*) Iodine value	.. ..	[29][98] to 112
(*d*) Unsaponifiable matter	.. ..	Not more than 1.5 per cent
(*e*) [30][Acid value	.. ..	Not more than 0.50]]

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24. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.
25. *Subs.* by Noti. No. GSR 1211, dt. 9-12-1958.
26. *Subs.* by Noti. No. GSR 436(E), dt. 8-4-1988 (w.e.f. 8-4-1988).
27. *Ins.* by Noti. No. GSR 24(E), dt. 15-1-1991 (w.e.f. 15-4-1991).
27a. *Subs.* by Noti. No. GSR 24(E), dt. 15-1-1991 (w.e.f. 15-4-1991).
28. *Subs.* by Noti. No. GSR 63(E), dt. 5-2-1976.
29. *Subs.* by Noti. No. GSR 992, dt. 4-6-1971.
30. *Subs.* by Noti. No. GSR 436(E), dt. 8-4-1988 (w.e.f. 8-4-1988).

[1][(*f*) There shall be no turbidity after keeping the filtered sample at 30°C for 24 hours.]

[2][(*g*) Bellier Test (Turbidity temperature—Acetic acid method..... 19.0°C to 21.0°C].

[3][A.17.03.—GROUNDNUT OIL (moongh-phali-ka-tel) means the oil expressed from clean and sound groundnuts (Arachis hypogoes). It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards :

(*a*) Butyro-refractometer reading at 40°C	..	54.0 to 57.1
(*b*) Saponification value	.. ..	188 to 196
(*c*) Iodine value	.. ..	85 to 99
(*d*) Unsaponifiable matter	.. ..	Not more than 1.0 per cent
(*e*) [3][Acid value	.. ..	Not more than 6.0]
(*f*) Bellier test [4][Turbidity temperature—Acetic acid method]	..	39°C to 41°C]

[5][A.17.04.—LINSEED OIL (Tisi ka tel) means the oil obtained by process of expressing clean and sound linseed (Linum usitatissimum). It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards :

(*a*) Butyro-refractometer reading at 40°C	..	69.5 to 74.3
(*b*) Saponification value	.. ..	188 to 195
(*c*) Iodine value	.. ..	Not less than 170
(*d*) Unsaponifiable matter	.. ..	Not more than 1.5 per cent
(*e*) [6][Acid value	.. ..	Not more than 4.0]]

Notes

Linseed oil which contains artificial dye which is prohibited must be deemed to be adulterated. [*Prem Ballab* v. *State*, (1977) 1 SCC 173 : 1977 SCC (Cri) 78 : 1977 Cri LJ 12.]

[7][A.17.05.—MAHUA OIL means the oil expressed from clean and sound seeds or nuts of Madhuca (Bassia latifolia or B. longifolia or a mixture of both). It shall be clear and shall be free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or

1. *Ins.* by Noti. No. GSR 992, dt. 4-6-1971.
2. *Ins.* by Noti. No. GSR 24(E), dt. 15-1-1991 (w.e.f. 15-4-1991).
3. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.
4. *Subs.* by Noti. No. GSR 74, dt. 31-12-1965.
5. *Ins.* by Noti. No. SRO 1687, dt. 14-7-1956.
6. *Subs.* by Noti. No. GSR 436(E), dt. 8-4-1988 (w.e.f. 8-4-1988).
7. *Ins.* by Noti. No. SRO 1687, dt. 14-7-1956.

mineral oil. [8][It shall be refined and shall conform to the following standards] :

(*a*) Butyro-refractometer reading at 40°C . .	49.5 to 52.7
(*b*) Saponification value	187 to 196
(*c*) Iodine value	58 to 70
(*d*) Unsaponifiable matter	Not more than 2.0 per cent
(*e*) [6][Acid value	Not more than 0.50]]

[9][A.17.06.—[10][RAPESEED OIL (Toria oil) MUSTARD OIL (Sarason-ka-tel)] means the oil expressed from clean and sound mustard seeds, belonging to the compestris, juncea or napus varieties of Brassica. It shall be clear, free from rancidity, suspended or foreign matter, separated water, added colouring or flavouring substances or mineral oil. It shall conform to the following standards :

(*a*) Butyro-refractometer reading at 40°C . .	58.0 to 60.5
(*b*) Saponification value . .	168 to 177
(*c*) Iodine value	[11][96 to [11a][112] : Polybromide test shall be negative]
(*d*) Unsaponifiable matter	Not more than 1.2 per cent by weight
(*e*) [6][Acid value	Not more than 6.0]
(*f*) Bellier Test (Turbidity temperature—Acetic acid method)	[11b][23.0°C to 27.5°C]
(*g*) Test for argemone oil . .	Negative
(*h*) Test for Hydrocyanic acid . .	Negative]

Notes

Toria oil falls squarely within the definition of mustard oil. [*Jasvinder Singh* v. *Municipal Committee*, (1976) 3 SCC 636 : 1976 SCC (Cri) 490 : 1976 Cri LJ 1199.]

Omission to report on four out of the seven tests does not make the report of the Public Analyst ineffective or inconclusive. Even assuming that the other four tests are normal or the saponification test alone does not conform to the standards the sample cannot be said to have come up to the standard and, therefore, is adulterated. [*Jagdish Prasad* v. *State of W.B.*, (1972) 1 SCC 326 : 1972 SCC (Cri) 63.]

[12][A.17.07.—OLIVE OIL means the oil expressed from the ripe olive fruit (Olea europea). It shall be clear, free from rancidity, suspended or other

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8. *Subs.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-7-1979).
9. *Subs.* by Noti. No. GSR 532, dt. 22-2-1969.
10. *Subs.* by Noti. GSR 63(E), dt. 5-2-1976.
11. *Subs.* by Noti. No. GSR 205, dt. 13-2-1974 (w.e.f. 23-5-1974).
11a. *Subs.* for "110" by Noti. No. GSR 300(E), dt. 9-3-1994 (w.e.f. 9-3-1994).
11b. *Subs.* by Noti. No. GSR 24(E), dt. 15-1-1991 (w.e.f. 15-4-1991).
12. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.

foreign, matter, separated water, added colouring or flavouring substances or mineral oil. It shall conform to the following standards :

(*a*) Butyro-refractometer reading at 40°C ..	53.0 to 56.0
(*b*) Saponification value	185 to 196
(*c*) Iodine value	79 to 90
(*d*) Unsaponifiable matter	Not more than 1.0 per cent
(*e*) [12a][Acid value ..	Not more than 6.0]]

[13][A.17.08.—Poppy Seed Oil means the oil expressed from popply seeds (Papaver sommiferum). It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards :

(*a*) Butyro-refractometer reading at 40°C ..	60.0 to 64.0
(*b*) Saponification value	186 to 194
(*c*) Iodine value	133 to 143
(*d*) Unsaponifiable matter	Not more than 1·0 per cent
(*e*) [12a][Acid value	Not more than 6·0]]

[13][A.17.09.—[14][Safflower Seed Oil] (barrey ka tel) means the oil expressed from the seeds of Carthamus tinctorius. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards :

(*a*) Butyro-refractometer reading at 40°C ..	62.4 to 64.7
(*b*) Saponification value	186 to 196
(*c*) Iodine value	135 to [15][48]
(*d*) Unsaponifiable matter	Not more than 1.0 per cent
(*e*) [15a][Acid value ..	Not more than 6.0]]
[16][(*f*) Bellier test [17][* * *] (Turbidity temperature—Acetic acid method) ..	Not more than 16°C].]

[18][A.17.10.—Taramira Oil means the oil expressed from clean and sound seeds of Taramira (Eruca sativa). It shall be clear, free from rancidity,

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12a. *Subs.* by Noti. No. GSR 436(E), dt. 8-4-1988 (w.e.f. 8-4-1988).
13. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.
14. *Subs.* for "Safflower Oil" bv Noti. No. GSR 245(E), dt. 11-3-1982 (w.e.f. 11-3-1982).
15. *Subs.* for "146" by Noti. No. GSR 245(E), dt. 11-3-1982 (w.e.f. 11-3-1982).
15a. *Subs.* by Noti. No. GSR 436(E), dt. 8-4-1988 (w.e.f. 8-4-1988).
16. *Ins.* by Noti. No. GSR 425, dt. 4-4-1960.
17. *Omitted* by Noti. No. GSR 74, dt. 31-12-1965.
18. *Added* by Noti. No. SRO 1687, dated 14-7-1956.

suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards :

(*a*) Butyro-refractometer reading at 40°C ..	58.0 to 60.0
(*b*) Saponification value	174 to 177
(*c*) Iodine value	99 to 105
(*d*) Unsaponifiable matter	Not more than 1.0 per cent
(*e*) [15a][Acid value	Not more than 6.0]]

[18][A.17.11.—TIL OIL (Gingelly or sesame oil) means the oil expressed from clean and sound seeds of Til (Sesamum indicum), black, brown, white, or mixed. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards :

(*a*) Butyro-refractometer reading at 40°C ..	58.0 to 61.0
(*b*) Saponification value	188 to 193
(*c*) Iodine value	[19][103 to 120]
(*d*) Unsaponifiable matter	Not more than 1.5 per cent
(*e*) [15a][Acid value	Not more than 6.0]]
[20][(*f*) Bellier test (Turbidity temperature—Acetic acid method)	Not more than 22°C].]

[21][Provided that the oil obtained from white sesame seeds grown in Tripura, Assam and West Bengal shall conform to the following standards :

Butyro-refractometer reading at 40°C ..	60.5 to 65.4
Saponification value	185 to 190
Iodine value	115 to 120
[15a][Acid value ..	Not more than 6.0]]
Unsaponifiable matter	Not more than 2.5 per cent
Billier Test (Turbidity temperature—Acetic acid method)	Not more than 22°C]

Notes

Where the article is such that it is generally or commonly used for human consumption or for the preparation of food, there can be no question that the article is food. Gingelly oil, mixed or not with ground-nut oil or any oil whether described as a food for human consumption or as an article for external use only is food within the meaning of

19. *Subs.* by Noti. No. 910(E), dt. 27-6-1986 (w.e.f. 27-6-1986) for "105 to 115".
20. *Added* by Noti. No. GSR 425, dt. 4-4-1960.
21. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.

the Section 2(*v*) of the Act. The sale of gingelly oil mixed with ground-nut oil is punishable under Section 16(1)(*a*)(*i*) read with Section 2(1)(*a*) notwithstanding the fact that the seller has expressly stated at the time of sale that it was intended for external use only. [*State of Tamil Nadu* v. *R. Krishnamoorthy*, (1980) 1 SCC 167 : 1980 SCC (Cri) 200 : 1980 Cri LJ 402.]

Sample of Gingelly oil was taken on 1st November, 1969 and analysed by the Public Analyst on 11th November, 1969. The contents were 5·1 per cent of free fatty acid against the requirement of not more than 3·0 per cent under the Food Adulteration Rules (A.17.11). When referred to the Director Central Food Laboratory and analysed therein, the quantity of free fatty acid on the 6th February, 1970 was 6·2 per cent. The trial Court held wher the free fatty acid increased from 5·1 per cent to 6·2 per cent within the period from November 16, 1969 to 6th February, 1969 so it might have increased from 3 to 5·1 per cent within the period from 1st November to 11th November, 1969. The High Court upheld the decision of the trial Court. The Supreme Court disagreed, set aside the acquittal holding that Gingelly oil is a semi-drying oil and it is only after a prolonged exposure to air and light that there may be some discernible chemical change in it. [*State of Tamil Nadu* v. *S. Shanumugmam Chettiar*, (1980) 4 SCC 487 : 1981 SCC (Cri) 1 : 1981 Cri LJ 31.]

[22][A.17.12.—NIGER SEED OIL (Sargiya ka tel), means the edible oil obtained by process of expressing clean and sound seeds of Guizotia abyssinica. It shall be clear and free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, mineral or other oil. It shall conform to the following standards :

(*a*)	Butyro-refractometer reading at 40°C ..	61.0 to 65.0
(*b*)	Saponification value	188 to 193
(*c*)	Iodine value	[23][110] to 135
(*d*)	Unsaponifiable matter	Not more than 1.0 per cent
(*e*)	[23a][Acid value	Not more than 6.0]]
[24][(*f*)	Billier test (Turbidity temperature—Acetic acid method)	25°C to [29°C][25].]

[1][A.17.13.—SOYABEAN OIL means the oil expressed from clean and sound soyabeans (Soja max) from which the major portion of the gums naturally present have been removed by hydration and mechanical or physical separation. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances or mineral oil.

It shall conform to the following standards :

Butyro-refractometer reading at 40°C ..	[2][58.5 to 68.0]
Saponification value	189 to 195
Iodine value	120 to 141
Unsaponifiable matter	Not more than 1.5 per cent

22. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.
23. *Subs.* for "125" by Noti. No. GSR 746(E), dt. 20-9-1985 (w.e.f. 20-9-1985).
23a. *Subs.* by Noti No. GSR 436(E), dt. 8-4-1988 (w.e.f. 8-4-1988).
24. *Subs.* by Noti. No. GSR 74, dt. 31-12-1965.
25. *Subs.* for "26°C" by Noti. No. GSR 746(E), dt. 20-9-1985 (w.e.f. 20-9-1985).
1. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.
2. *Subs.* by Noti. No. 910(E), dt. 27-6-1986 (w.e.f. 27-6-1986) for "61.7 to 69.5".

[3][Acid value	..	..	Not more than 2.50]]
Phosphorus	..	..	Not more than 0.02 per cent]

Notes

Where Soyabean oil was sold as edible oil but mixed with cotton oil, it was held that the vendor was liable for conviction irrespective of the fact whether the mixture was injurious for health or not. [*Tulsi Ram* v. *State of M.P.*, (1984) 4 SCC 487 : 1985 SCC (Cri) 4 : 1984 Cri LJ 1731.]

[4][A.17.14.—MAIZE (Corn) OIL means the oil, extracted from the gram of clean and sound seeds of Zea mays Linn. Fam Graminiae, refined. It shall be free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances or mineral oil. It shall conform to the following standards :

(*a*) Butyro-refractometer reading at 40°C	..	56.7 to 62.5
(*b*) Saponification value	..	187 to 195
(*c*) Iodine value	..	[5][103 to 128]
(*d*) Unsaponifiable matter	..	Not more than 1.5 per cent
(*e*) [3][Acid value	..	Not more than 0.50]]

[3][A.17.15.—REFINED VEGETABLE OIL means any vegetable oil which is obtained by expression or solvent extraction of vegetable oil bearing materials, deacidified with alkali and/or physical refining and/or by miscella refining using permitted foodgrade solvents followed by bleaching with absorbent earth and/or carbon and deodorised with steam. No other chemical agent shall be used. The name of the vegetable oil from which the refined oil has been manufactured shall be clearly specified on the label of the container. In addition to the under-mentioned standards, to which refined vegetable oils shall conform to the standards prescribed in these rules for the specified edible oils shall also apply except for acid value which shall be not more than 0.5. Moisture shall not exceed 0.10 per cent by weight.]

Notes

Where the report of the Director, C.F.L., who analysed the sample about three years after it was taken, showed that there was 42·2% of "free fatty acid as oleic acid" as against the permissible ·25% it was held that the increase could be on account of the passage of time during which the free fatty acid could have increased by oxidation due to exposure to air, [*Nebh Raj* v. *State*, 1980) 4 SCC 552 : 1981 SCC (Cri) 46 : 1981 Cri LJ 3.]

[6][A.17.15.01—INTERESTERIFIED VEGETABLE FAT means an edible fatty material that has been so treated as to bring about a re-arrangement of fatty acid positions within the glyceride entities and hence a change in the physical properties like melting point, viscosity, specific gravity and the like with very little change in the constitution of the fatty acids themselves by a process of interesterification of the essentially neutral edible oil or fat, singly or in

3. *Subs.* by Noti. No. GSR 436(E), dt. 8-4-1988 (w.e.f. 8-4-1988).
4. *Ins.* by Noti. No. GSR 938, dt. 26-5.1971.
5. *Subs.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
6. *Ins.* by Noti. No. GSR 24(E), dt. 15-1-1991 (w.e.f. 15-4-1991).

mixtures generally through the use of alkaline catalysts exemplified by sodium or potassium metals, or their ethoxides or hydroxides in the form either of anhydrous powders or in anhydrous glycerol medium followed by such post-process steps as washing, bleaching and deodorisation, the last of which can be omitted if the interesterified fat is to be incorporated as part of the raw material for further processing in edible fat products.

The interesterified fat shall be clear, free from soap, flavouring substances, rancidity, suspended or other foreign matters, separated water and mineral oil. It shall conform to the following standards, namely :—

(*i*) It shall not contain any harmful colouring, flavouring or any other matter deleterious to health ;

(*ii*) No colour shall be added to interesterified fat unless so authorised by Government, but in no event any colour resembling the colour of ghee shall be added ;

(*iii*) If any flavour is used, it shall be distinct from that of ghee in accordance with a list of permissible flavours and in such quantities as may be prescribed by Government :

Provided that diacetyl to the extent of not more than 4.0 ppm may be added to interesterified fat exclusively meant for consumption by the Armed Forces ;

(*iv*) It shall not have moisture exceeding 0.25 per cent ;

(*v*) The melting point as determined by capillary slip method shall be from 31°C to 41°C both inclusive ;

(*vi*) The Butyro-refractometer reading at 40°C, shall not be less than 48 ;

(*vii*) It shall not have unsaponifiable matter exceeding 2.0 per cent ;

(*viii*) It shall not have free fatty acids (calculated as Oleic acid) exceeding 0.25 per cent ;

(*ix*) The product on melting shall be clear in appearance and shall be free from staleness or rancidity, and pleasant to test and smell ;

(*x*) It shall contain raw or refined sesame (til) oil not less than 5 per cent by weight, but sufficient so that when it is mixed with refined groundnut oil in the proportion of 20 :80, the colour produced by the Baudouin Test shall not be lighter than 2.0 red units in a 1 cm. cell on a Lavibond scale ;

(*xi*) It shall contain not less than 25 I.U. of synthetic Vitamin 'A' per gram at the time of packing and shall show a positive test for Vitamin 'A' when tested by Antimony Trichloride (Carr-Price) reagent (as per IS :5886-1970) ;

(*xii*) No anti-oxidant, synergist, emulsifier or any other such substance shall be added to it except with the prior sanction of the Government.]

[7][A.17.16.—ALMOND OIL means the oil expressed from the seeds of Prunus amygdalus Batach, var, dulcis Koehne (sweet almond) or of Prunus

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7. *Ins.* by Noti. No. GSR 133, dt. 23-1-1973.

amygdalus Batach, var. Amara Focke (bitter almond) without the application of heat. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substance or mineral oil. It shall conform to the following standards :

Butyro-refractometer reading at 40°C . .	54 to 57
Saponification value	186 to 195
Iodine value	90 to 109
[7a][Acid value	Not more than 6.0]]
Bellier's test (Turbidity temperature— Acetic acid method)	Not more than 60°C.]

[8][A.17.17.—WATER MELON SEED OIL means the oil extracted from the clean sound seeds of the fruit of Water Melon (Citrullus vulgaris Schrad) (Family : Cucurbitaceae). It shall be clear, free from rancidity, adulterants, sediments, suspended and other foreign matter, separated water, added colouring and flavouring substances and mineral oil. It shall conform to the following standards :

(*a*) Moisture and [8a][volatile] matter	Not more than 0.25 per cent
(*b*) Butyro-refractometer reading at 40°C	55.6—61.7
(*c*) Saponification value	190—198
(*d*) Iodine value	115—125
(*e*) [7a][Acid value	Not more than 6.0]
(*f*) Unsaponifiable matter	Not more than 1.5 per cent.]

[9][A.17.18.—[9a][RAPESEED GROWN ABROAD] OIL (Toria-ka-tel) means—

(*a*) the oil obtained from clean and sound rapeseed belonging to compestris, juncea, or napus varieties of Brassica, by the method of expression or solvent extraction and imported into India, or

(*b*) the oil [9b][produced in India] obtained from clean and sound imported rapeseed belonging to compestris, juncea, or napus varieties of Brassica by the method of expression or solvent extraction.

It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances or mineral oil. It shall conform to the following standards, namely :—

(*a*) Butyro-refractometer reading at 40°C	51.0—64.8
or	
Refractive Index at 40°C	1.4600—1.4690
(*b*) Iodine value (Wijs' method)	94—126
(*c*) Saponification value	166—198

7a. *Subs.* by Noti. No. GSR 436(E), dt. 8-4-1988 (w.e.f. 8-4-1988).
8. *Ins.* by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
8a. *Subs.* for "insoluble" by GSR 481, dt. 16-9-1993 (w.e.f. 2-10-1993).
9. Items A.17.18 to A.17.22 *ins.* by GSR 710(E), dt. 22-12-1980 (w.e.f. 22-12-1980) as corrected by GSR 444, dt. 14-4-1981.
9a. *Subs.* for "Imported Rapeseed" by GSR 481, dt. 16-9-1993 (w.e.f. 2-10-1993).
9b. *Ins.* by Noti. No. GSR 481, dt. 16-9-1993 (w.e.f. 2-10-1993).

(*d*) Unsaponifiable matter	Not more than 2.0 per cent
(*e*) Test for argemone oil	Negative
(*f*) Test for Hydrocyanic acid (Ferric Chloride test).	Passes the test
[9c][* * *]	
Acid value	Not more than 6.0
[9d][(*h*) Bellier test : (Turbidity temperature—Acetic acid method)	Not more than 19.0°C.]

Rapeseed oil imported into India or rapeseed oil obtained by solvent extraction shall be supplied for human consumption only if it is refined and it shall conform to the standards laid down under Item A.17.15 except for [9e][acid value which shall not be more than 0.6].

Additionally, it shall have Flash point (Pensky-Marten closed method) not less than 250°C.

A.17.19.—PALM OIL means the oil obtained from fleshy mesocarp of fruits of the oil palm (Elaeis Guineensis) tree by the method of expression or solvent extraction. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring and flavouring substances or mineral oil. It shall conform to the following standards, namely :—

(*a*) Butyro-refractometer reading at 50°C	35.5—44.0
or	
Refractive Index at 50°C	1.4491—1.4552
(*b*) Melting point (capillary slip method)	Not more than 37°C
(*c*) Iodine value (Wijs' method)	45—56
(*d*) Saponification value	195—205
(*e*) Unsaponifiable matter	Not more than 1.2 per cent
[9c][* * *]	
Acid value	Not more than 10.0

[9f][Indigenously produced Raw Palm Oil obtained by method of expression may be supplied for human consumption as such provided acid value is not more than 6.0. But palm oil imported into the country or produced by solvent extraction shall be refined before it is supplied for human consumption and it shall conform to the standards laid down under A.17.15. Additionally, it shall have Flash Point (Pensky-Marten closed method)—Not less than 250 degree C.]

A. 17.20.—PALMOLEIN means the liquid fraction obtained by fractionation of palm oil obtained from the fleshy mesocarp of fruits of oil palm (Elaeis guineensis) tree by the method of expression or solvent extraction. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring and flavouring substances or mineral oils. It shall conform to the following standards, namely :—

9c. *Omitted* by Noti. No. GSR 436(E), dt. 8-4-1988 (w.e.f. 8-4-1988).
9d. *Ins.* by Noti. No. GSR 24(E), dt. 15-1-1991 (w.e.f. 15-3-1991).
9e. *Subs.* by Noti. No. GSR 436(E), dt. 8-4-1988 (w.e.f. 8-4-1988).
9f. *Subs.* by Noti. No. GSR 481, dt. 16-9-1993 (w.e.f. 2-10-1993).

(*a*) Butyro-refractometer reading at 40°C	43.7—52.5
or	
Refractive Index at 40°C	1.4550—1.4610
(*b*) Iodine value (Wijs' method)	54—62
(*c*) Saponification value	195—205
(*d*) Cloud point	Not more than 18°C
(*e*) Unsaponifiable matter	Not more than 1.2 per cent
[9g][* * *]	
Acid value	Not more than 6.0.

Further, if the palmolein is obtained from solvent extracted palm oil, it shall be refined before it is supplied for human consumption and it shall conform to the standards laid down under Item A.17.15. Additionally, it shall have Flash point (Pensky-Marten closed method) not less than 250°C.

A.17.21.—PALM KERNEL OIL means the oil obtained from sound kernel of the fruits of oil palm (Elaeis guineensis) tree by the method of expression or solvent extraction. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring and flavouring substance or mineral oil. It shall conform to the following standards, namely :

(*a*) Butyro-refractometer reading at 40°C	35.3—39.5
or	
Refractive Index at 40°C	1.4494—1.4520
(*b*) Iodine value (Wijs' method)	10—23
(*c*) Saponification value	237—255
(*d*) Unsaponifiable matter	Not more than 1.2 per cent
[9g][* * *]	
Acid value	Not more than 6.0.

Further, if the oil is obtained by the method of solvent extraction, it shall be supplied for human consumption only after refining and shall conform to the standards laid down under Item A.17.15. Additionally it shall have Flash point (Pensky-Marten closed method) not less than 250°C.

A.17.22.—SUNFLOWER SEED OIL means the oil obtained from clear and sound sunflower seeds or cake from the plants, Helianthus annus Linn (Family : Compositae) by the method of expression or solvent extraction. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances or mineral oil. It shall conform to the following standards, namely :

(*a*) Butyro-refractometer reading at 40°C	57.1—[65.0][9h]
or	
Refractive Index at 40°C	1.4640—[1.4691][9i]
(*b*) Iodine value (Wijs' method)	100—145
(*c*) Saponification value	181—194
(*d*) Unsaponifiable matter	Not more than 1.5 per cent
[9g][* * *]	
Acid value	Not more than 6.0

9g. *Omitted* by Noti. No. GSR 436(E), dt. 8-4-1988 (w.e.f. 8-4-1988).
9h. *Subs.* for "82.9" by Noti. No. GSR 481, dt. 16-9-1993 (w.e.f. 2-10-1993).
9i. *Subs.* for "1.4800" by Noti. No. GSR 90(E), dt. 24-2-1995.

Further, if the oil is obtained by the method of solvent extraction, it shall be supplied for human consumption only after refining and shall conform to the standards laid down under Item A.17.15. Additionally, it shall have Flash point (Pensky-Marten closed method)—not less than 250°C.]

[10][A.17.23.—RICE BRAN OIL means the oil obtained from the layer around the endosperm of rice obained from paddy of Oryza Sativa Linn. Fam. Gramineae, which is removed during the process of rice milling and is generally known as rice bran.

Refined Rice Bran Oil shall be obtained from solvent extracted oil, neutralised with alkali, bleached with bleaching earth or activated carbon or both and deodorised with steam. Alternatively deacidification, bleaching and deodorisation may be done by physical means.

The oil shall be clear and free from rancidity, adulterants, sediments, suspended and other foreign matters, separated water and added colouring and flavouring substances. The clarity of the oil shall be judged by the absence of turbidity after keeping the filtered sample at 35°C for 24 hrs. Rice bran oil shall be sold for human consumption only after refining. It shall conform to the following standards, namely :

(*i*) Moisture and [volatile matter][10a]	Not more than 0.1 per cent by weight
(*ii*) Refractive index at 40°C	1.4600 to 1.4700
or	
Butyro-refractometer reading at 40°C	51.0 to 66.4
(*iii*) Saponification value	180 to 195
(*iv*) Iodine value (Wijs' method)	90 to 105
[10b][* * *]	
(*v*) Acid value	Not more than 0.5
(*vi*) Unsaponifiable matter	Not more than 3.5 per cent
(*vii*) Flash point (Penske-Marten closed method)	Not less than 250°C.

[11][A.17.24—BLENDED EDIBLE VEGETABLE OIL means an admixture of any two edible vegetable oils where the proportion by weight of any edible vegetable oil used in the admixture is not less than 20 per cent. The individual oils in the blend shall conform to the respective standards prescribed by these rules. The blend shall be clear, free from rancidity, suspended or insoluble matter or any other foreign matter, separated water, added colouring matter, flavouring substances, mineral oil, or any other animal and non-edible oils, or fats, argemone oils, hydrocyanic acid, castor oil and tricresyl phosphate. It shall also conform to the following standards, namely :—

(*a*) moisture and volatile matter not more than 0.2 per cent by weight ;

10. *Ins.* by Noti. No. GSR 245(E), dt. 11-3-1982 (w.e.f. 11-3-1982) corrected by Noti. No. GSR 386, dt. 3-4-1982.

10a. *Subs.* by GSR 481, dt. 16-9-1993 (w.e.f. 2-10-1993).

10b. *Omitted* by Noti. No. GSR 436(E), dt. 8-4-1988 (w.e.f. 8-4-1988).

11. *Subs.* by GSR 91(E), dt. 7-2-1992 (w.e.f. 7-2-1992) [as corrected by GSR 314(E), dt. 3-3-1992 and GSR 592(E), dt. 15-6-1992] for what was *subs.* by Noti. No. GSR 457(E), dt. 23-4-1990 (w.e.f. 23-4-1990) as corrected by GSR 867(E), dt. 25-10-1990.

(*b*) Acid value :—

	Nature of Oils	Acid value
	1	2
(1)	Both raw edible vegetable oils in the Blend	Not more than 6.0
(2)	One raw edible vegetable oil and one refined edible vegetable oil in the Blend	Not more than 5.0
(3)	Both refined edible vegetable oils in the Blend	Not more than 0.5
	(*c*) Unsaponifiable matter—	
	(*i*) Blend with rice bran oil	Not more than 3.0 per cent by weight
	(*ii*) Blend with other edible vegetable oils	Not more than 1.50 per cent by weight
	(*d*) Flash point (Penske Marten closed method)	Not less than 250°C.]

[11a][A.17.25.—PARTIALLY HYDROGENATED AND WINTERISED SOYABEAN OIL.—Partially Hydrogenated and winterised soyabean oil means deodourised product obtained by light (mild or "Brush") hydrogenation of degummed, deacidified, decolourised and winterised soyabean oil. The oil shall be degummed by water with or without a food grade additive, deacidified by either neutralisation with alkali or steam distillation (physical refining) or miscella refining using permitted food grade solvent, decolourised with bleaching earth and/or carbon, partially hydrogenated using nickel catalyst, winterised with or without the use of a food grade solvent, filtered in a suitable filter press and deodourised with steam.

The product shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, castor oil, mineral oil, other vegetable and animal fats. Antioxidants TBHQ up to 0.02 per cent and citric acid up to 0.02 per cent may be added and shall be so stated on the label. It shall conform to the following standards :

1.	Moisture	Not more than 0.1 per cent by weight.
2.	Colour in 5 1/4" Cell on the Lovibond scale expressed as Y+5R not deeper than	6.
3.	Refractive index	1.4630—1.4690
4.	Saponification value	189—202
5.	Iodine value	107—120
6.	Acid value	Not more than 0.50

11a. *Ins.* by GSR 784(E), dt. 28-9-1992 (w.e.f. 28-9-1992) as corrected by GSR 483(E), dated 30-6-1993.

7.	Unsaponifiable matter	Not more than 1.5 per cent by weight.
8.	Linolenic acid (c 18 : 3)	Not more than 3 per cent by weight.
9.	Cloud Point (°C)	Not less than 10°C.
10.	Trans-fatty Acid	Not more than 10 per cent by weight.
11.	Flash point (Penske-Marten closed method)	Not less than 250°C.

A.17.26—PARTIALLY HYDROGENATED SOYABEAN OIL.—Partially hydrogenated soyabean oil means deodourised product obtained by light (mild or "brush") hydrogenation of degummed, deacidified and decolourised soyabean oil. The oil shall be degummed by water with or without a food grade additive, deacidified by either neutralisation with alkali or steam distillation (physical refining) or miscella refining using permitted food grade solvent, decolourised with bleaching earth and/or carbon and partially hydrogenated using nickel catalyst. The product shall again be deacidified, bleached and deodourised with steam.

The product shall be clear liquid at 35 degrees C. It shall be clear on melting, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, castor oil, mineral oil or other vegetable and animal oils and fats. Antioxidants TBHQ up to 0.02 per cent and citric acid up to 0.02 per cent may be added and shall be so stated on the label. It shall conform to the following standards :

1.	Moisture	Not more than 0.1 per cent by weight.
2.	Colour in a 5 1/4" cell on the Lovibond scale expressed as Y + 5R not deeper than	6.
3.	Refractive index at 40°C	1.4630—1.4670.
4.	Saponification value	189—202.
5.	Iodine value	95—110.
6.	Acid value	Not more than 0.50.
7.	Unsaponifiable matter	Not more than 1.5 per cent by weight.
8.	Linolenic acid (c 18 : 3)	Not more than 3 per cent by weight.
9.	Cloud Point	Not less than 25°C.
10.	Trans-fatty Acid	Not more than 10 per cent by weight.
11.	Flash Point (Penske-Marten closed method).	Not less than 250°C.]

Note.—The edible oils prescribed under Item A.17 shall be free from castor oil.]

[12][A.18.—CEREALS]

[13][A.18.01.—[14][ATTA OR RESULTANT ATTA] means the coarse product obtained by milling or grinding wheat. It shall conform to the following standards:

(*a*) Moisture—Not more than 14.0 per cent (when determined by heating at 130-133°C for 2 hours).

(*b*) Total ash—Not more than 2.0 per cent (on dry weight basis).

(*c*) Ash insoluble in dilute HCl—Not more than 0.15 per cent (on dry weight basis).

(*d*) Gluten (on dry weight basis)—Not less than 6.0 per cent.

(*e*) Alcoholic acidity (with 90 per cent alcohol) expressed as H_2SO_4 (on dry weight basis)—Not more than 0.18 per cent.

Rodent hair and excreta shall not exceed [15][2] pieces per kg.]

NOTES

Resultant atta is the product obtained by expelling maida and suji from atta. Before the heading of A.18.01 was amended from "Atta" or "Atta or resultant atta" in 1983 it was held in *Nand Ram* v. *State*, [1984 (1) FAC 221, decided in 1967] that it was doubtful whether "atta" included "resultant atta". The amendment removes this doubt.

[16][A.18.01.01.—FORTIFIED ATTA means the product obtained by adding one or more of the following materials to atta, namely—

(*a*) Calcium carbonate (preparated chalk, popularly known as Creta preparata),

(*b*) Iron,

(*c*) Thiamine,

(*d*) Riboflavin, and

(*e*) Niacin.

The calcium carbonate powder, if added for fortification shall be in such amount that 100 parts by weight of fortified atta shall contain not less than 0.30 and not more than 0.35 parts by weight of calcium carbonate.]

[17][A.18.01.02.—PROTEIN RICH (PAUSHTIK) ATTA means the product obtained by mixing wheat atta with groundnut flour [17a][or Soya flour". Or a combination of both] up to an extent of 10 0 per cent. [17a][Soya flour which is a solvent extracted flour used in such mix shall conform to the standards of soya flour laid down under Solvent Extracted Oil, Deoiled Meal and Edible Flour (Control) Order, 1967]. It shall be free from insect or fungus infestation, odour and rancid taste. It shall not contain added flavouring and colouring agents or any other extraneous matter.

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12. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.
13. *Subs.* by Noti. No. GSR 1809, dt. 3-10-1970.
14. *Subs.* by GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983).
15. *Subs.* for '5' by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e.f. 31-1-1979).
16. *Added* by Noti. No. GSR 425, dt. 4-4-1960.
17. *Added* by Noti. No. GSR 1533, dt. 8-7-1968 and corrected by GSR 1764, dt. 18-7-1969.

17a. *Ins.* by Noti. No. GSR 731(E), dt. 10-12-1991 (w.e.f. 10-12-1991) as corrected by GSR 524(E), dt. 15-5-1992.

It shall conform to the following standards :

Moisture	.. ..	Not more than [18][14·0] per cent on dry basis
Total ash	.. ..	Not more than 2·75 per cent.
Ash insoluble in dilute HCl	.. ..	Not more than 0·1 per cent on dry basis.
Total protein (N x 6·25)	.. ..	Not less than 12·5 per cent on dry basis.
Crude fibre	.. ..	Not more than 2·5 per cent on dry basis.
Alcoholic acidity (with 90 per cent alcohol) expressed as H_2SO_4	..	Not more than 0·12 per cent.]

[19][A.18.02.—MAIDA (wheat flour) means the fine product made by milling or grinding wheat and bolting or dressing the resulting wheat meal. It shall conform to the following standards :

(*a*) Moisture—not more than 14.0 per cent (when determined by heating at 130-133°C for 2 hours).

(*b*) Total ash (on dry weight basis)—Not more than 1·0 per cent.

(*c*) Ash insoluble in dilute HCl (on dry weight basis)—Not more than 3·1 per cent.

(*d*) Gluten (on dry weight basis)—Not less than 7·5 per cent.

(*e*) Alcoholic acidity (with 90 per cent alcohol) expressed as H_2SO_4 (on dry weight basis)—Not more than [20][0·12] per cent.

Rodent hair and excreta shall not exceed 5 pieces per kg.]

[21][If the product is to be used for bakery purposes, the following flour-treatment agents in the quantities mentioned against each may be used, namely :—

(*i*) Benzoyl peroxide (Max).....40 p.p.m.

(*ii*) Potassium bromate (Max).....20 p.p.m.

(*iii*) Ascorbic acid (Max) .....200 p.p.m.]

[22][A.18.02.01.—FORTIFIED MAIDA means the product obtained by adding one or more of the following materials to maida, namely—

(*a*) Calcium carbonate (preparated chalk popularly known as Creta preparata),

(*b*) Iron,

(*c*) Thiamine,

(*d*) Riboflavin, and

(*e*) Niacin.

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18. *Corrected* by Noti. No. GSR 2163, dt. 2-12-1968.
19. *Subs.* by Noti. No. GSR 1809, dt. 3-10-1970.
20. *Subs.* by Noti. No. GSR 68(E), of 5-2-1976 (w.e.f. 5-8-1976).
21. *Ins.* by Noti. No. GSR 1417, of 20-9-1976 (w.e.f. 2-10-1976).
22. *Added* by Noti. No. GSR 425, dt. 4-4-1960.

The calcium carbonate powder, if added for fortification, shall be in such amount that 100 parts by weight of fortified maida shall contain not less than 0·30 and not more than 0·35 parts by weight of calcium carbonate.]

[23][A.18.02.02.—PROTEIN RICH (PAUSHTIK) MAIDA means the product obtained by mixing maida (wheat flour) with groundnut flour [23a][or Soya flour. . Or a combination of both] up to an extent of 10.0 per cent. [23a][Soya flour which is a solvent extracted flour used in such mix shall conform to the standards of soya flour laid down under Solvent Extracted Oil, Deoiled Meal and Edible Flour (Control) Order, 1967.] It shall be free from insect or fungus infestation, odour and rancid taste. It shall not contain added flavouring and colouring agents or any other extraneous matters. It shall conform to the following standards:

Moisture	..	.. Not more than [24][14·0] per cent.
Total ash	..	.. Not more than 1.4 per cent on dry basis.
Ash insoluble in dilute HCl		.. Not more than 0·1 per cent on dry basis.
Total protein (N x 6·25)		.. Not more than 12·5 per cent on dry basis.
Crude fibre	..	.. Not more than 0·53 per cent on dry basis.
Alcoholic acidity (with 90 per cent alcohol) expressed as H_2SO_4		.. Not more than 0·12 per cent.
Gluten	..	.. Not less than 7·0 per cent on dry basis.]

[25][A.18.03.—SEMOLINA (Suji or Rawa) means the product prepared from wheat by process of grinding and bolting. It shall be free from musty smell and off-odour and shall be creamy yellow in colour. It shall conform to the following standards:

(*a*) Moisture—Not more than 14·5 per cent (when determined by heating at 130-133°C for 2 hours).

(*b*) Total ash (on dry weight basis)—Not more than 1·0 per cent.

(*c*) Ash insoluble in dilute HCl (on dry weight basis)—Not more than 0·1 per cent.

(*d*) Gluten (on dry weight basis)—Not less than 6·0 per cent.

(*e*) Alcoholic acidity (with 90 per cent alcohol) expressed as H_2SO_4 (on dry weight basis)—Not more than 0·18 per cent.

Rodent hair and excreta shall not exceed 5 pieces per kg.]

Notes

In a case where 5.95 p.c. of sample of Suji taken, passing through N. 100 sieve, while 3 p.c. should have passed, it means that Suji is adulterated within the meaning of Section 2(*i*)(1). [*Municipal Corporation, Delhi* v. *Ram Kishan*, 1974 Cri LJ 1448.]

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23. *Added* by Noti. No. GSR 1533, dt. 8-7-1968 and corrected by GSR 1764, dt. 18-7-1969.

23a. *Ins.* by Noti. No. GSR 731(E), dt. 10-12-1991 (w.e.f. 10-12-1991) as corrected by GSR 524(E), dt. 15-5-1992.

24. *Corrected* by Noti. No. GSR 2136, dt. 2-12-1968.

25. *Subs.* by Noti. No. GSR 1809, dt. 3-10-1970.

The tolerance limit prescribed in Appendix B at A. 18.03 is rodent hair and excreta not exceeding 5 pieces per kilogram and no insects are permitted. A combined reading of Section 2 (*ia*) (*f*) with A. 18.03 clearly goes to show that suji containing insects is adulterated and the mere fact that the Public Analyst has not specifically said so does not make any difference. [*The State of Delhi* v. *Dinesh Kumar*, 1986 Cri LJ 1527 : (1986) 1 FAC 194.]

[1][A.18.04.—BESAN means the product obtained by grinding dehusked Bengal gram (Cicer arietinum) and shall not contain any added colouring matter or any other foreign ingredient.]

[2][Besan shall conform to the following standards :

(*a*) Total ash	. . . .	Not more than 5 per cent.
(*b*) Ash insoluble in HCl	. .	Not more than 0.5 per cent.]

NOTES

If 'besan' is insect infested it is adulterated. *Municipal Corpn. of Delhi* v. *Ram Swarup*, (1980) 1 SCC 580 : 1980 SCC (Cri) 137 : 1980 Cri LJ 216 ; *M.C.D.* v. *Manmohan Lal*, (1984) 1 SCC 670 : 1984 SCC (Cri) 160 : 1983 Cri LJ 855. Where only negligible traces of Kesari Dal were found in a sample of 'besan' the sample should not be treated as adulterated. *Municipal Corpn. of Delhi* v. *Modern Flour Mills & Gen. Industries*, (1984) 2 FAC 144.

[3][A.18.05.—PEARL BARLEY [3a][or BARLEY (JAU)] shall be the product obtained from sound and clean barley (Hordeum vulgare or Hordeum distichon). It shall be whitish in colour and shall be free from fermented, musty or other objectionable taste or odour, adulterants and insect and fungus infestation and rodent contamination. It shall not contain other foodgrains more than 1 per cent by weight.

Barley powder shall be the product obtained by grinding clean and sound dehusked barley (Hordeum vulgare or Hordeum distichon) grains. Barley starches shall not be less than 98.0 per cent by weight.

Barley powder shall also conform to the following standards, namely :

(*i*) Total ash (on dry basis)—Not more than 1.0 per cent ;

(*ii*) Ash insoluble in dilute hydrochloric acid (on dry basis)—Not more than 0.1 per cent ;

(*iii*) Crude fibre (on dry basis) not more than 0.5 per cent ;

(*iv*) Alcoholic acidity—Not more than 0.10 per cent (as H_2SO_4 with 90 per cent alcohol).]

[4][A.18.05.01.—WHOLE MEAL BARLEY POWDER [or BARLEY FLOUR or CHOCKER YUKT JAU KA CHURAN][3a] means the product obtained by grinding clean and sound dehusked barley (Hordeum vulgare or Hordeum distichon) grains. It shall conform to the following standards :

(*a*) Moisture—Not more than 14.0 per cent (when determined by heating at 130°-133°C for 2 hours).

(*b*) Total ash (on dry weight basis)—Not more than 3.0 per cent.

(*c*) Ash insoluble in dilute HCl (on dry weight basis)—Not more than 0.5 per cent.

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1. *Added* by Noti. No. GSR 1211, dt. 9-12-1958.
2. *Ins.* by Noti. No. GSR 1340, dt. 24-10-1961.
3. *Subs.* by Noti. No. GSR 74, dt. 31-12-1965.
3a. *Ins.* by GSR 223 (E), dt. 20-5-1996 (w.e.f. 20-11-1996).
4. *Ins.* by Noti. No. GSR 938, dt. 26-5-1971.

(*d*) Alcoholic acidity (with 90 per cent alcohol) expressed as H_2SO_4 (on dry weight basis)—Not more than 0.17 per cent.

Rodent hair and excreta shall not exceed 5 pieces per kg.]

NOTES

The words "Cereals" and "foodgrains" should be given an extended meaning so as to include the seeds of both Gramineae and Leguminossae, that is so say, both cereals strictly so called and pulses which are not strictly "cereals" as understood by a botanist. Pulses must satisfy the standard prescribed by this paragraph. [*Public Prosecutor* v. *Grandhi Venkataramana*, 1972 Cri LJ 272 (AP).]

[5][A.18.06.—FOODGRAINS meant for human consumption shall be whole or broken kernels of cereals, millets and pulses. In addition to the undermentioned standards to which foodgrains shall conform, they shall be free from argemonemaxicana and kesari in any form. They shall be free from added colouring matter. The foodgrains shall not contain any insecticide residues other than those specified in column (2) of the table of Rule 65 and the amount of insecticide residue in the foodgrains shall not exceed the limits specified in column (4) of the said Table.

A.18.06.01—WHEAT :

Description.—Wheat shall be the dried mature grains of Triticum aestivum Linn. Or Triticum vulgare vill, Triticum durum Desf, Triticum sphaerococcum perc., Triticum dicoccum schubl., Triticum Compactum Host. It shall be sweet, clean and wholesome. It shall also conform to the following standards, namely:

(*i*) Moisture—Not more than 14 per cent by weight (obtained by heating the pulverised grains at 130°C-133°C for two hours).

(*ii*) Foreign matter—Not more than 3 per cent by weight out of which inorganic matter and poisonous seeds, shall not exceed 1.0 and 0.5 per cent by weight, respectively. Out of total limit of poisonous seeds, dhatura and akra (Vicia species) shall not exceed 0.025 and 0.2 per cent by weight respectively.

(*iii*) Other edible grains—Not more than 6 per cent by weight.

(*iv*) Damaged grains—Not more than 6.0 per cent by weight including kernel bunt affected grains and ergot affected grains. The limit of kernel bunt affected grains, ergot affected grains shall not exceed 3.0 per cent and 0.05 per cent by weight, respectively.

(*v*) Weevilled grains—Not more than 10 per cent by count.

(*vi*) Uric acid—Not more than 100 mg per kg.

(*vii*) Mycotoxin including aflatoxin—Not more than 30 micrograms per kilogram.

[6][(*viii*) Rodent hair and excreta—Not more than 5 pieces per kg :]

Provided that the total of foreign matter, other edible grains and damaged grains shall not exceed 12 per cent by weight.

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5. *Subs.* by Noti. No. GSR 281(E), dt. 29-5-1991 (w.e.f. 29-11-1991) as corrected by Noti. No. GSR 648(E), dated 25-10-1991.

6. *Ins.* by Noti. No. GSR 792(E), dt. 13-12-1995 (w.e.f. 13-12-1995).

A.18.06.02.—MAIZE :

Maize shall be the dried mature grains of Zea mays Linn. It shall be sweet, hard, clean and wholesome. It shall also conform to the following standards, namely :—

(*i*) Moisture—No more than 16.0 per cent by weight (obtained by heating the pulverised grains at 130°C-133°C for two hours).

(*ii*) Foreign matter—Not more than 4 per cent by weight out of which inorganic matter and poisonous seeds shall not exceed 1.0 and 0.5 per cent by weight respectively. Out of total limit of poisonous seeds, dhatura and akra (Vicia species) shall not exceed 0.025 and 0.2 per cent by weight, respectively.

(*iii*) Other edible grains—Not more than 3 per cent by weight.

(*iv*) Damaged grains—Not more than 5 per cent by weight.

(*v*) Weevilled grains—Not more than 10 per cent by count.

(*vi*) Uric acid—Not more than 100 mg per kg.

(*vii*) Mycotoxin including aflatoxin—Not more than 30 micrograms per kilogram.

[6][(*viii*) Rodent hair and excreta—Not more than 5 pieces per kg :]

Provided that the total of foreign matter, other edible grains and damaged grains shall not exceed 9 per cent by weight.

A.18.06.03.—JAWAR and BAJRA :

Jawar and Bajra shall be the dried mature grains of Sorghum volgare Pers, and Pennisetum-typhyoideum Rich, respectively. These shall be sweet, hard, clean and wholesome. These shall also conform to the following standards, namely :—

(*i*) Moisture—Not more than 16.0 per cent by weight (obtained by heating the pulverised grains at 130°C-133°C for two hours).

(*ii*) Foreign matter—Not more than 4 per cent by weight out of which inorganic matter and poisonous seeds shall not exceed 1.0 and 0.5 per cent by weight, respecitvely. Out of total limit of poisonous seeds, dhatura and akra (Vicia species) shall not exceed 0.025 and 0.2 per cent by weight, respectively.

(*iii*) Other edible grains—Not more than 3 per cent by weight.

(*iv*) Damaged grains—Not more than 6 per cent by weight out of which ergot affected grains shall not exceed 0.05 per cent by weight.

(*v*) Weevilled grains—Not more than 6 per cent by weight.

(*vi*) Uric acid—Not more than 100 mg per kg.

(*vii*) Mycotoxin including aflatoxin—Not more than 30 micrograms per kilogram.

[6][(*viii*) Rodent hair and excreta—Not more than 5 pieces per kg :]

Provided that the total of foreign matter, other edible grains and damaged grains shall not exceed 10 per cent by weight.

A.18.06.04—RICE :

Rice shall be the mature kernels or pieces of kernels of Oryza sativa Linn obtained from paddy as raw or parboiled. It shall be dry, sweet, clean,

wholesome and free from unwholesome poisonous substances. It shall also conform to the following standards, namely :

(*i*) Moisture—Not more than 16 per cent by weight (obtained by heating the pulverised grains at 130°C-133°C for two hours).

(*ii*) Foreign matter—Not more than 3 per cent by weight out of which inorganic matter shall not exceed 1 per cent by weight.

(*iii*) Damaged grains—Not more than 5 per cent by weight (excluding discoloured tip).

(*iv*) Weevilled grains—Not more than 10 per cent by count.

(*v*) Uric acid—Not more than 100 mg per kg.

(*vi*) Mycotoxin including aflatoxin—Not more than 30 micrograms per kilogram.

[6][(*vii*) Rodent hair and excreta—Not more than 5 pieces per kg :]

Provided that the total of foreign matter and damaged grains shall not exceed 6 per cent by weight.

A.18.06.05—MASUR WHOLE :

Masur whole shall consist of lentil (Lens culinaris Medik or Ervum lens Linn or Lens esculenta Moench). It shall be sound, dry, sweet, clean and wholesome. It shall confom to the following standards, namely :

(*i*) Moisture—Not more than 14 per cent by weight (obtained by heating the pulverised grains at 130°C-133°C for two hours).

(*ii*) Foreign matter—Not more than 3 per cent by weight out of which inorganic matter shall not exceed 1 per cent by weight.

(*iii*) Other edible grains—Not more than 3 per cent by weight.

(*iv*) Damaged grains—Not more than 5 per cent by weight.

(*v*) Weevilled grains—Not more than 6 per cent by count.

(*vi*) Uric acid—Not more than 100 mg per kg.

(*vii*) Mycotoxin including aflatoxin—Not more than 30 micrograms per kilogram.

[6][(*viii*) Rodent hair and excreta—Not more than 5 pieces per kg :]

Provided that the total of foreign matter, other edible grains and damaged grains shall not exceed 8 per cent by weight.

A.18.06.06—URD WHOLE :

Urd whole shall consist of seeds of the pulses (Phaseolus mungo Linn). It shall be sound, dry, sweet and wholesome. It shall also conform to the following standards, namely :—

(*i*) Moisture—Not more than 14 per cent by weight (obtained by heating the pulverised grains at 130°C-133°C for two hours).

(*ii*) Foreign matter—Not more than 3 per cent by weight out of which inorganic matter shall not exceed 1 per cent by weight.

(*iii*) Other edible grains—Not more than 4 per cent by weight.

(*iv*) Weevilled grains—Not more than 6 per cent by count.

(*v*) Damaged grains—Not more than 5 per cent by weight.

(*vi*) Uric acid—Not more than 100 mg per kilogram.

(*vii*) Mycotoxin including aflatoxin—Not more than 30 micrograms per kilogram.

[6][(*viii*) Rodent hair and excreta—Not more than 5 pieces per kg :]

Provided that the total of foreign matter, other edible grains and damaged grains shall not exceed 9 per cent by weight.

A.18.06.07—MOONG WHOLE :

Moong whole shall consist of seeds of green gram (Phaseolus aurues Roxb., Phaseolus radiatus Roxb.). It shall be sound, dry, sweet, wholesome and free from admixture of unwholesome substances. It shall also conform to the following standards, namely :

(*i*) Moisture—Not more than 14 per cent by weight (obtained by heating the pulverised pulses at 130°C-133°C for two hours).

(*ii*) Foreign matter—Not more than 3 per cent by weight out of which inorganic matter shall not exceed 1 per cent by weight.

(*iii*) Other edible grains—Not more than 4 per cent by weight.

(*iv*) Damaged grains—Not more than 5 per cent by weight.

(*v*) Weevilled grains—Not more than 6 per cent by count.

(*vi*) Uric acid—Not more than 100 mg per kg.

(*vii*) Mycotoxin including aflatoxin—Not more than 30 micrograms per kilogram.

[6][(*viii*) Rodent hair and excreta—Not more than 5 pieces per kg :]

Provided that the total of foreign matter, other edible grains and damaged grains shall not exceed 9 per cent by weight.

A.18.06.08—CHANA WHOLE :

Chana whole shall be the dried grains of gram (Cicer arietinum Linn). It shall be sound, clean, sweet, wholesome and free from unwholesome substances. It shall also conform to the following standards, namely :

(*i*) Moisture—Not more than 16 per cent by weight (obtained by heating the pulverised pulses at 130°C-133°C for two hours).

(*ii*) Foreign matter—Not more than 3 per cent by weight out of which the inorganic matter shall not exceed 1 per cent by weight.

(*iii*) Other edible grains—Not more than 4 per cent by weight.

(*iv*) Damaged grains—Not more than 5 per cent by weight.

(*v*) Weevilled grains—Not more than 10 per cent by count.

(*vi*) Uric acid—Not more than 100 mg per kg.

(*vii*) Mycotoxin including aflatoxin—Not more than 30 micrograms per kilogram.

[6][(*viii*) Rodent hair and excreta—Not more than 5 pieces per kg :]

Provided that the total of foreign matter, other edible grains and damaged grains shall not exceed 9 per cent by weight.

A.18.06.09—SPLIT PULSE (DAL) ARHAR :

Dal Arhar shall consist of husk and split seeds of red gram [Cajanus cajan (L)' millsp]. It shall be sound, clean, sweet, dry, wholesome and free from

admixture of unwholesome substance. It shall also conform to the following standards, namely :

(*i*) Moisture—Not more than 14 per cent by weight (obtained by heating the pulverised pulses at 130°C-133°C for two hours).

(*ii*) Foreign matter—Not more than 2 per cent by weight out of which inorganic matter shall not exceed 1 per cent by weight.

(*iii*) Other edible grains—Not more than 0.5 per cent by weight.

(*iv*) Damaged grains—Not more than 5 per cent by weight.

(*v*) Weevilled grains—Not more than 3 per cent by count.

(*vi*) Uric acid content—Not more than 100 mg per kilogram :

(*vii*) Mycotoxin including aflatoxin—Not more than 30 micrograms per kilogram.

[6][(*viii*) Rodent hair and excreta—Not more than 5 pieces per kg :]

Provided that the total of foreign matter, other edible grains and damaged grains shall not exceed 6 per cent by weight.

A.18.06.10—SPLIT PULSE (DAL) MOONG :

Dal Moong shall consist of split seeds of green grams (Phaseolus aureus Roxb., Phaseolus radiatus Roxb.) It shall be sound, clean, sweet, wholesome and free from unwholesome substances. It shall also conform to the following standards, namely :

(*i*) Moisture—Not more than 14 per cent by weight (obtained by heating the pulverised pulses at 130°C-133°C for two hours).

(*ii*) Foreign matter—Not more than 2 per cent by weight out of which inorganic matter shall not exceed 1 per cent by weight.

(*iii*) Other edible grains—Not more than 4 per cent by weight.

(*iv*) Damaged grains—Not more than 5 per cent by weight.

(*v*) Weevilled grains—Not more than 3 per cent by count.

(*vi*) Uric acid—Not more than 100 mg per kilogram.

(*vii*) Mycotoxin including aflatoxin—Not more than 30 micrograms per kilogram.

[6][(*viii*) Rodent hair and excreta—Not more than 5 pieces per kg :]

Provided that the total of foreign matter, other edible grains and damaged grains shall not exceed 8 per cent by weight.

A.18.06.11—SPLIT PULSE (DAL) URD :

Dal Urd shall consist of split seeds of pulse (Phaseolus mungo Linn). It shall be sound, dry, sweet, wholesome and free from admixture of unwholesome substances. It shall also conform to the following standards, namely :—

(*i*) Moisture—Not more than 14 per cent by weight (obtained by heating the pulverised pulses at 130°C-133°C for two hours).

(*ii*) Foreign matter—Not more than 2 per cent by weight out of which inorganic matter shall not exceed 1 per cent by weight.

(*iii*) Other edible grains—Not more than 4 per cent by weight.

(*iv*) Damaged grains—Not more than 5 per cent by weight.

(*v*) Weevilled grains—Not more than 3 per cent by count.

(*vi*) Uric acid—Not more than 100 mg per kg.

(*vii*) Mycotoxin including aflatoxin—Not more than 30 micrograms per kilogram.

[6][(*viii*) Rodent hair and excreta—Not more than 5 pieces per kg :]

Provided that the total of foreign matter, other edible grains and damaged grains shall not exceed 8 per cent by weight.

A.18.06.12—DAL CHANA :

Dal Chana consist of split grains of gram (Cicer arietinum Linn). It shall be sound, clean, sweet, dry, wholesome and free from admixture of unwholesome substances. It shall also conform to the following standards, namely :

(*i*) Moisture—Not more than 16 per cent by weight (obtained by heating the pulverised pulses at 130°C-133°C for two hours).

(*ii*) Foreign matter—Not more than 2 per cent by weight out of which inorganic matter shall not exceed 1 per cent by weight.

(*iii*) Other edible grains—Not more than 2 per cent by weight.

(*iv*) Damaged grains—Not more than 5 per cent by weight.

(*v*) Weevilled grains—Not more than 3 per cent by count.

(*vi*) Uric acid—Not more than 100 mg per kilogram.

(*vii*) Mycotoxin including aflatoxin—Not more than 30 micrograms per kilogram.

[6][(*viii*) Rodent hair and excreta—Not more than 5 pieces per kg :]

Provided that the total of foreign matter, other edible grains and damaged grains shall not exceed 7 per cent by weight.

A.18.06.13—SPLIT PULSE (DAL) MASUR :

Dal masur shall consist of dehusked whole and split seed of the lentil (Lens esculenta Moench or Lens culinaris Medik or Ervum lens Linn). It shall be sound, clean, dry, sweet, wholesome and free from admixture of unwholesome substances. It shall also conform to the following standards, namely:

(*i*) Moisture—Not more than 14 per cent by weight (obtained by heating the pulverised pulses at 130°C-133°C for two hours).

(*ii*) Foreign matter—Not more than 2 per cent by weight out of which inorganic matter shall not exceed 1 per cent by weight.

(*iii*) Other edible grains—Not more than 2 per cent by weight.

(*iv*) Damaged grains—Not more than 5 per cent by weight.

(*v*) Weevilled grains—Not more than 3 per cent by count.

(*vi*) Uric acid—Not more than 100 mg per kilogram.

(*vii*) Mycotoxin including aflatoxin—Not more than 30 micrograms per kilogram.

[6][(*viii*) Rodent hair and excreta—Not more than 5 pieces per kg :]

Provided that total of foreign matter, other edible grains and damaged grains shall not exceed 7 per cent by weight.

A.18.06.14—ANY OTHER FOODGRAINS not specified above shall conform to the following standards, namely :

(*i*) Moisture—Not more than 16 per cent by weight (obtained by heating the pulverised grains at 130°C-133°C for two hours).

(*ii*) Foreign matter—Not more than 6.0 per cent by weight out of which inorganic matter and poisonous seeds shall not exceed 1.0 and 0.5 per cent by weight, respectively. Out of the total limit of poisonous seeds, dhatura and akra (Vicia species) shall not exceed 0.025 and 0.2 per cent by weight respectively.

(*iii*) Other edible grains—Not more than 6 per cent by weight.

(*iv*) Weevilled grains—Not more than 10 per cent by count.

(*v*) Damaged grains—Not more than 5 per cent by weight.

(*vi*) Uric acid—Not more than 100 mg per kg.

(*vii*) Mycotoxin including aflatoxin—Not more than 30 micrograms per kilogram :

Provided that total of foreign matter, other edible grains and damaged grains shall not exceed 12.0 per cent by weight.

Explanation.—For the purpose of Items 18.06 to 18.06.14 :—

(*a*) "foreign matter" means any extraneous matter other than foodgrains comprising of—

(*i*) inorganic matter consisting of metallic pieces, sand, gravel, dirt, pebbles, stones, lumps of earth, clay and mud, animal filth and in the case of rice, kernels or pieces of kernels, if any, having mudsticking on the surface of the rice, and

(*ii*) organic matter consisting of husk, straws, weed seeds and other inedible grains and also paddy in the case of rice.

(*b*) Poisonous, toxic and/or harmful seeds—means any seed which if present in quantities above permissible limit may have damaging or dangerous effect on health, organoleptic properties or technological performance such as dhatura (D. fastuosa linn and D. stramonium linn), corn cokle (Agrostemma githago L, Machai Lallium remulenum linn), Akra (Vicia species) ;

(*c*) "Damaged grains" means kernels or pieces of kernels that are sprouted or internally damaged as a result of heat, microbe moisture or weather, viz., ergot affected grain and kernel bunt grains ;

(*d*) "Weevilled grains" means kernels that are partially or wholly bored by insects injurious to grains but does not include germ eaten grains and egg spotted grains ;

(*e*) "Other edible grains" means any edible grains (including oil seeds) other than the one which is under consideration.]

[7][A.18.07.—BISCUITS INCLUDING WAFER BISCUITS shall be made from maida, vanaspati or refined edible oil or table butter or deshi butter or margarine or ghee or their mixture. It may contain any one or more of the following ingredients, namely :—

Edible common salt ; permitted anti-oxidants ; emulsifying and stabilising agents ; permitted preservatives and colours ; leavening agents such as

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7. *Subs.* by Noti. No. GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983).

baking powder; ammonium bicarbonate; ammonium carbonate; butter milk powder: cereals and their products; cheese; citric acid; cocoa; coffee extract; edible desiccated coconut; dextrose; fruits and fruit products; dry fruit and nuts; egg; edible vegetable products; amylases and other enzymes, permitted flavouring agents; flavour improvers and fixers; flour improvers; ginger; gluten; groundnut flour milk and milk products; honey; jellyfying agents; liquid glucose; malt products; edible oilseeds; flour and meals; spices and condiments; edible starches such as potato starch and edible flour; sugar and sugar products; invert sugar; jaggery, protein concentrates and other nutrients; sodium bisulphites, sodium meta-bisulphite and other dough conditioners; vitamins; calcium and ferrous salts; potassium iodide, malic and lactic acids; tartaric acid; vinegar and acetic acid; yeast. Biscuits shall conform to the following standards, namely:—

(*a*) Ash insoluble in dilute hydrochloric acid (on dry basis) shall not be more than 0·1 per cent.

(*b*) Acidity of extracted fat (as oleic acid) shall not exceed 1·5 per cent.]

[8][A.18.08.—CORNFLOUR (Maize starch) means the starch obtained from maize (Zea mays L.). It shall contain no added colour, flavours or other chemicals. It shall be free from dirt, insects, larvae and impurities or other extraneous matter.

It shall conform to the following standards:

Moisture	.. ..	Not more than 12·5 per cent
Total ash	.. ..	Not more than 0·5 per cent on dry basis.
Ash insoluble in dilute HCl	.. ..	Not more than 0·1 per cent on dry basis.
Alcoholic acidity (with 90 per cent alcohol)	.. ..	Shall be equivalent to not more than 2·0 ml. N NaOH per 100 g. of dried starch.

Notes

Flavoured corn flour is not covered by A.18.08. No standard has been prescribed for flavoured corn flour. [*R. M. Kalia* v. *U. O. I.*, 1984 (2) FAC 307: 1985 Cri LJ 1514: 1984 FAJ 541.]

A.18.09.—CORN FLAKES means the product obtained from dehulled, degermed and cook corn (Zea mays L.) by flaking, partially drying and toasting. It shall be in the form of crisp flakes or reasonably uniform size and golden brown in colour. It shall be free from dirt, insects, larvae and impurities and any other extraneous matter.

It shall conform to the following standards:

Moisture	.. ..	Not more than [9][7·5] per cent
Total ash excluding salt	..	Not more than 1·0 per cent on dry basis.

8. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.
9. *Subs.* by Noti. No. GSR 63(E), dt. 5-2-1976.

Ash insoluble in dilute HCl	.. ..	Not more than 0·1 per cent on dry basis.
Alcoholic acidity (with 90 per cent alcohol)	.. ..	Shall be equivalent to not more than 2·0 ml. of N NaOH per 100 g. of dried substance.

[10][A.18.10—CUSTARD POWDER means the products obtained from maize (Zea mays L.) or sago/tapioca with or without the addition of small quantities of edible starches obtained from arrowroot, potato or jawar (sorghum vulgare) and with or without the addition of edible common salt, milk and albuminous matter. It may contain permitted colours and flavours. It shall be free from any other foreign matter. It shall be in the form of fine powder, free from rancidity, fermented and musty odour.

It shall conform to the following standards, namely:

(*a*) Moisture	.. ..	Not more than 12·5 per cent
(*b*) Total ash excluding added common salt (on dry basis).		Not more than 0·5 per cent
(*c*) Ash insoluble in dilute hydrochloric acid (on dry basis).		Not more than 0·1 per cent.]

A.18.11—MACARONI PRODUCTS (Macaroni, spaghetti, vermicelli) means the products obtained from suji or maida with or without addition of ingredients like edible groundnut flour, tapioca flour, soya flour, milk powder, spices, vitamins, minerals, by kneading the dough and extending it. It shall be free from added colour, dirt, insects, larvae and impurities or any other extraneous matter.

It shall conform to the following standards:

Moisture	.. ..	Not more than 12·5 per cent
Total ash	.. ..	Not more than 1·0 per cent on dry basis.
Ash insoluble in dilute HCl	..	Not more than 0·1 per cent on dry basis.
Nitrogen	.. ..	Not less than 1·7 per cent on dry basis.

[11][A.18.12—MALTED MILK FOOD means the product obtained by mixing whole milk, partly skimmed milk or milk powder with the wort separately from a mash of ground barley malt, any other malted cereal grain and wheat flour or any other cereal flour or malt extract with or without addition of flavouring agents and spices, emulsifying agent, eggs, protein isolates, edible common salt, sodium or potassium bicarbonate, minerals and Vitamins and without added sugar in such a manner as to secure complete hydrolysis of starchy material and prepared in a powder or granule or flake form by roller drying, spray drying, vacuum drying or by any other process.

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10. *Subs.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).
11. *Subs.* by Noti. No. GSR 543(E), dt. 2-7-1985 (w.e.f. 2-7-1985).

It may contain cocoa powder. It shall be free from dirt and other extraneous matter. It shall not contain any added starch (except starch natural to cocoa powder) and added non-milk fat. It shall not contain any preservative or added colour. Malted milk food containing cocoa powder may contain added sugar.

Malted milk food shall also conform to the following standard, namely:—

	Malted milk food without cocoa powder	Malted milk food with cocoa powder
(*a*) Moisture	Not more than 5 per cent by weight.	Not more than 5 per cent by weight.
(*b*) Total protein (N × 6·25) (on dry basis)	Not less than 12·5 per cent by weight.	Not less than 11·25 per cent by weight.
(*c*) Total fat (on dry basis)	Not less than 7·5 per cent by weight.	Not less than 6 per cent by weight.
(*d*) Total ash (on dry basis)	Not more than 5 per cent by weight.	Not more than 5 per cent by weight.
(*e*) Acid insoluble ash (on dry basis) (in dilute HCl)	Not more than 0·1 per cent by weight.	Not more than 0·1 per cent by weight.
(*f*) Solubility	Not less than 85 per cent by weight.	Not less than 80 per cent by weight.
(*g*) Cocoa powder (on dry basis)	———	Not less than 5·0 per cent by weight.
(*h*) Test for starch	Negative	———
(*i*) Bacterial Count	Not more than 50,000 per gram.	Not more than 50,000 per gram.
(*j*) Coliform Count	Not more than 10 per gram.	Not more than 10 per gram.]

A.18.13—ROLLED OATS (quick-cooking oats) means the product made from sound hulled oats (Avena sativa). It shall be free from added colours, rancidity and flavouring agents. It shall be in form of thin flakes of uniform size having a light cream colour. It shall be free from dirt, insects and insect fragments.

It shall conform to the following standards:

Moisture ..	Not more than 10·0 per cent
Total ash ..	Not more than 2·0 per cent on dry basis.
Ash insoluble in dilute HCl	Not more than 0·1 per cent on dry basis.
Nitrogen	Not less than 1·8 per cent on dry basis.
Crude fibre	Not more than 2·0 per cent on dry basis.

Alcoholic acidity (with 90 per cent alcohol)	..	Shall be equivalent to not more than [12][8·0]ml. N $N^{a}OH$ per 100 gm. of dried substance.

[13][A.18.14—BREAD whether sold as white bread or wheat-meal bread or fancy bread or fruity bread or bun or masala bread or milk bread or by any other name, shall mean the product prepared from a mixture of wheat atta, maida, water, salt, yeast or other fermentive medium. It may also contain one or more of the following ingredients, namely, condensed milk, milk powder (whole or skimmed), whey, curd, gluten, sugar, gur, or jaggery, khandsari, honey, liquid glucose, malt products, edible starches and flour, edible groundnut flour, edible soya flour, protein concentrates and isolates, vanaspati, margarine or refined edible oil of suitable type or butter or ghee or their mixture, lecithin, glycerine, glyceryl monostearate, albumin, lime water, lysine, sorbitol, vitamins, ammonium chloride, ascorbic acid, guar gum, spices and condiments or their extracts, fruit and fruit product (candied and crystallised or glazed), nuts and nut products.

It may contain the following improvers in the quantities given against each on the flour mass basis :

Ammonium persulphate	..	Not more than 0·25 per cent
Calcium Phosphate	..	Not more than 0·25 per cent
Calcium Carbonate	..	Not more than 0·5 per cent
Potassium Bromate and/or Potassium Iodate	..	Not more than 0·005 per cent
Ammonium Chloride	..	Not more than 0·05 per cent
Fungal alpha-amylase	..	Not more than 0·01 per cent
Sodium Stearoyl-2 lactylate, Calcium Stearoyl-2 lactylate (singly or in combination)	..	Not more than 0·5 per cent
L-Cystein Hydrochloride	..	Not more than 0·009 per cent

It may contain one or more of the following mould inhibitors in the quantities given against each on the flour mass basis :

Calcium or Sodium Propionate	..	Not more than 0·5 per cent
Sorbic acid or its Sodium, Potassium or Calcium salts	..	Not more than 0·1 per cent
Acetic acid or Lactic acid	..	Not more than 0·25 per cent
Vinegar	..	Not more than 0·5 per cent
Acid Calcium Phosphate	..	Not more than 1·0 per cent
Sodium diacetate	..	Not more than 0·4 per cent
Acid Sodium Pyrophosphate	..	Not more than 0·5 per cent

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12. *Subs.* for 2·0 by Noti. No. GSR 55(E), dt. 31-1-1979 (w.e-f. 31-1-1979).
13. *Subs.* by Noti. No. GSR 1228(E), dt. 27-11-1986 (w.e.f. 27-11-1986). [Last amended by Noti. No. 852(E), dt. 13-6-1986—*See* 1986 CCL-III-480-81].

It shall be free from dirt, insects and insect fragments, larvae, rodent hairs and added colouring matter except any permitted food colours present as a carry overcolour in accordance with Rule 64-C, in raw material used in the product. Guar gum, if added, shall not exceed 0.5 per cent by weight. It shall conform to the following standards, namely :—

(*a*) Alcoholic acidity (with 90 per cent alcohol)	Shall be not more than the equivalent of 7.5 ml. N NaOH per 100 g of dried substance.
(*b*) Ash insoluble in dilute HCl on dry weight basis—	
(*i*) Bread except masala bread or fruit bread	Not more than 0.1 per cent
(*ii*) Masala bread or fruit bread . .	Not more than 0.2 per cent.]

[14][A.19. [15][* * *] VANASPATI means any refined edible vegetable oil or oils, subjected to a process of hydrogenation in any form. It shall be prepared by hydrogenation from groundnut oil, cotton seed oil and sesame oil or mixtures thereof or any other harmless vegetable oils allowed by the Government for the purpose. [16][Refined sal seed fat, if used, shall not be more than 10 per cent of the total oil mix.] It shall conform to the standards specified below :

(*i*) It shall not contain any harmful colouring, flavouring or any other matter deleterious to health;

(*ii*) No colour shall be added to hydrogenated vegetable oil unless so authorised by Government, but in no event any colour resembling the colour of ghee shall be added;

(*iii*) If any flavour is used, it shall be distinct from that of ghee, in accordance with a list of permissible flavours and in such quantities as may be prescribed by Government :

[17][Provided that diacetyl to the extent of not more than 4.0 p.p.m. may be added to Vanaspati exclusively meant for consumption by the Armed Forces ;]

(*iv*) It shall not have moisture exceeding 0.25 per cent;

(*v*) The melting point as determined by capillary slip method shall be from [18][31°C] to [19][41°C] both inclusive;

(*vi*) The Butyro-refractometer reading as 40°C, shall not be less than 48 ;

(*vii*) It shall not have unsaponifiable matter exceeding [20][2.0] per cent; [20a][but in case of vanaspati where proportion of rice bran oil is more than 30 per cent by weight, the unsaponifiable matter shall be not more than 2.5 per cent by weight provided quantity of rice

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14. *Ins.* by Noti. No. SRO 1687, dt. 14-7-1956.
15. *Omitted* by Noti. No. GSR 1211, dt. 9-12-1958.
16. *Ins.* by Noti. No. GSR 245(E), dt. 11-3-1982 (w.e.f. 11-3-1982).
17. *Ins.* by Noti. No. GSR 425, dt. 4-4-1960.
18. *Subs.* by Noti. No. GSR 1211, dt. 9-12-1958.
19. *Subs.* for "37°C by GSR 744(E), dt. 27-10-1984 (w.e.f. 27-10-1984).
20. *Subs.* for "1.25" by Noti. No. GSR 245(E), dt. 11-3-1982 (w.e.f. 11-3-1982).
20a. *Ins.* by GSR 481, dt. 16-9-1993 (w.e.f. 2-10-1993).

bran oil is declared on the label of such vanaspati as laid down in clause (zzz)(4) of Rule 42 ;]

(*viii*) It shall not have free fatty acids (calculated as Oleic acid) exceeding 0.25 per cent;

(*ix*) The product on melting shall be clear in appearance and shall be free from staleness or rancidity, and pleasant to taste and smell;

(*x*) It shall contain raw or refined sesame (til) oil [20b][in sufficient quantity] so that when the vanaspati is mixed with refined groundnut oil in the proportion of 20 : 80, the colour produced by the Baudouin test shall not be lighter than 2.0 red units in a 1 cm. cell on a Lovibond scale;

[21][(*xi*) It shall contain not less than 25 I.U. of synthetic Vitamin 'A' per gram at the time of packing [23][and shall show a positive test for Vitamin 'A' when tested by Antimony Trichloride (Carr-Price) reagent (as per IS : 5886-1970)] ;]

[23][(*xii*) No anti-oxidant, synergist, emulsifier or any other such substance be added to it except with the prior sanction of the Government;]]

[23a][(*xiii*) It shall not have nickel exceeding 1.5 ppm.]

[24][A.19.01—BAKERY SHORTENING means vanaspati conforming to standards prescribed in Item A.19 except that—

(*a*) the melting point as determined by the capillary slip method shall not exceed 41°C,

(*b*) if aerated, only nitrogen air or any other inert gas shall be used for the purpose and the quantity of such gas incorporated in the product shall not exceed 12 per cent by volume thereof.]

[25][(*c*) it may contain added mono-glycerides and diglycerides as emulsifying agents.]

[1][A.19.02.—VINEGAR means a liquid derived from alcoholic and acetous fermentation of any suitable medium such as fruits, malt, molasses, sugarcane juice, etc.

Vinegar shall conform to the following standards :

1. It shall contain at least 3.75 grammes of acetic acid per 100 ml.
2. It shall contain at least 1.5 per cent w/v of total solids and 0.18 per cent of ash.
3. It shall not contain (*i*) sulphuric acid or any other mineral acids, (*ii*) lead or copper, (*iii*) arsenic in amounts exceeding 1.5 parts per million, and (*iv*) any foreign substance or colouring matter except caramel.
4. Malt vinegar, in addition, shall have at least 0.05 per cent of phosphorus pentoxide (P_2O_5) and 0.04 per cent of nitrogen.

Brewed vinegar shall not be fortified with acetic acid.

[2][* * *]]

20b. *Subs.* by GSR 481, dt. 16-9-1993 (w.e.f. 2-10-1993).
21. *Subs.* by Noti. No. GSR 790(E), dt. 10-10-1983 (w.e.f. 10-10-1983).
22. *Subs.* by Noti. No. GSR 910(E), dt. 27-6-1986 (w.e.f. 27-6-1986).
23. *Ins.* by Noti. No. GSR 1340, dt. 24-10-1961.
23a. *Ins.* by GSR 481, dt. 16-9-1993 (w.e.f. 2-4-1994).
24. *Ins.* by Noti. No. GSR 425, dt. 4-4-1960.
25. *Ins.* by Noti No. GSR 245(E), dt. 11-3-1982 (w.e.f. 11-3-1982).
1. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.
2. *Omitted* by Noti. No. GSR 425, dt. 4-4-1960.

[3][A.20.01—SYNTHETIC VINEGAR means the product prepared from acetic acid. It shall contain not less than 3·75 grammes of acetic acid per 100 ml.

It shall not contain—

(*a*) sulphuric or any other mineral acid.

(*b*) lead or copper,

(*c*) arsenic in amounts exceeding 1·5 parts per million.

(*d*) any colouring matter, except caramel.

Synthetic vinegar shall be distinctly labelled as SYNTHETIC—PREPARED FROM ACETIC ACID.]

[4][A.21.—CATECHU (Edible) shall be the dried aqueous extract prepared from the heart-wood of Acacia catechu. It shall be free from infestation, sand, earth or other dirt and shall conform to the following standards :

(*a*) 5 ml. of 1 per cent aqueous solution, and 0·1 per cent solution of ferric ammonium sulphate shall give a dark green colour, which on the addition of sodium hydroxide solution shall change to purple.

(*b*) When dried to constant weight at 100°C, it shall not lose more than [5][16] per cent of its weight.

(*c*) Water insoluble residue (dried at 100°C) shall not be more than 25 per cent by weight.

[6][Water insoluble matter shall be determined by boiling water.]

(*d*) Alcohol insoluble residue in 90 per cent alcohol dried at 100°C—not more than 30 per cent by weight.

(*e*) Total ash on dry basis—not more than 8 per cent by weight.

(*f*) Ash insolubie in HCl—not more than 0·5 per cent on dry weight basis.]

[7][Provided that in case of Bhatti Katha, the ash insoluble in dilute hydrochloric acid on dry basis shall not be more than 1·5 per cent. The Bhatti Katha shall be marked as required in sub-rule (12) of Rule 49.]

Notes

The sample of "Katha" taken in 1980 was on analysis found to be adulterated as the loss on drying basis was found to be 15.62% by weight instead of 12% prescribed by Item 21 clause (*b*). During the pendency of the trial the standard was amended on 4-1-1985 and the limit was raised from 12 to 16. It was held that the accused was entitled to the benefit of the amendment and the sample could not now be deemed to be adulterated. [*B. L. Kohli* v. *Delhi Administration*, 1986 (3) FAC 140 : 1986 FAC 586.]

[8][A.22. GELATIN shall be purified product obtained by partial hydrolysis of collagen, derived from the skin white connective tissues and bones of

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3. *Ins.* by Noti. No. GSR 425, dt. 4-4-1960.
4. *Added* by Noti. No. SRO 1687, dt. 14-7-1956.
5. *Subs.* for "12" by Noti. No. GSR 11(E), dt. 4-1-1985 (w.e.f. 4-1-1985) as corrected by GSR 368(E), dt. 18-4-1985.
6. *Ins.* by Noti. No. GSR 74, dt. 31-12-1965.
7. *Ins.* by Noti. No. GSR 290(E), dt. 13-4-1981 (w.e.f. 13-10-1981) and corrected by GSR 691, dt. 9-9-1981.
8. *Subs.* by Noti. No. GSR 205 of 13-2-1974 (w.e.f. 23-5-1974).

animals. It shall be colourless or pale yellowish and translucent in the form of sheets, flakes, shreds or coarse to fine powder. It shall have very slight odour and taste but not objectionable which is characteristic and bouillon like. It is stable in air when dry but is subject to microbial decomposition when moist or in solution. It shall not contain—

(*a*) more than 15 per cent moisture ;

(*b*) more than 3·0 per cent of total ash ;

(*c*) more than 1000 parts per million of sulphur dioxide ;

(*d*) less than 15 per cent of nitrogen on dry weight basis.

Gelatin meant for human consumption should be labelled as "Gelatin-Food Grade".]

[9][A.23 and A.24. *Omitted.*]

[10][A.25. SWEETS AND CONFECTIONERY :

[11][A.25.01—SUGAR BOILED CONFECTIONERY—whether sold as hard boiled sugar confectionery or pan goods confectionery or toffee or milk toffee or modified toffee or lacto-bon-bon or by any other name shall mean a processed composite food article made from sugar with or without doctoring agents such as cream of tartar, by process of boiling whether panned or not. It may contain centre filling, or otherwise, which may be in the form of liquid, semi-solid or soilds with or without coating of sugar or chocolate or both. It may also contain any of the following :—

(*i*) sweetening agents such as sugar invert sugar, jaggery, lactose, gur, bura sugar, Khandsari, sorbitol, honey, liquid glucose ;

(*ii*) milk and milk products ;

(*iii*) edible molasses ;

(*iv*) malt extracts ;

(*v*) edible starches ;

(*vi*) edible oils and fats ;

(*vii*) edible common salt ;

(*viii*) fruit and fruit products and nut and mut products ;

(*ix*) tea extract, coffee extract, chocolate, cocoa ;

(*x*) Vitamins and minerals ;

(*xi*) shellac (food grade) not exceeding 0.4 percent by weight, bee wax (food grade), paraffin wax (food grade), carnuba wax (food grade), and other food grade wax or any combination thereof.

(*xii*) edible desiccated coconut ;

(*xiii*) spices and condiments and their extracts ;

(*xiv*) candied peels ;

(*xv*) enzymes ;

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9. *Omitted* by Noti. No. GSR 1533, dt. 8-7-1968.
10. *Ins.* by Noti. No. GSR 74, dt. 31-12-1965.
11. *Subs.* by Noti. No. GSR 437(E), dt. 8-4-1988 (w.e.f. 8-10-1988) as corrected by GSR 1081(E), dt. 17-11-1988.

(*xvi*) sodium bicarbonate ;

(*xvii*) lubricants such as calcium, magnesium or sodium salts of stearic acid, talc (not exceeding 0.2 per cent), icing sugar, or food grade mineral oil (not exceeding 0.2 per cent by weight), stearic acid (food grade), glycerine (food grade) ;

(*xviii*) permitted anti-oxidants ;

(*xix*) permitted colouring matter ;

(*xx*) permitted stabilizing and emulsifying agents ;

(*xxi*) flavouring agents ;

(*xxii*) acidulants, such as citric acid, tartaric acid malic acid (food grade) ;

(*xxiii*) jellifying agent, such as gelatine (food grade), agar-agar, sodium carboxymethyl cellulose ;

(*xxiv*) permitted preservatives ;

(*xxv*) edible foodgrains, edible seeds ;

(*xxvi*) calcium bicarbonate, calcium carbonate ;

(*xxvii*) baking powder ;

(*xxviii*) gulkand, gulabanafsha, mulathi ;

(*xxix*) puffed rice ;

(*xxx*) china grass ;

(*xxxi*) eucalyptus oil, camphor, menthol oil crystals, pepper mint oil ;

(*xxxii*) thymol ;

(*xxxiii*) edible oil seed flour and protein isolates ;

(*xxxiv*) gum arabic and other edible gum.

It shall not contain artificial sweeteners.

Mineral oil (food grade) if used as a lubricant, shall not exceed 2.0 per cent by weight.

It shall also conform to the following standards, namely :—

(*i*) Ash sulphated (on salt free basis)—No more than 2.5 per cent by weight.

Provided that in case of sugar boiled confectionery where spices are used as centre filling, the ash sulphated shall not be more than 3 per cent by weight.

(*ii*) Ash insoluble (in dilute Hydrochloric acid)—Not more than 0.2 per cent by weight.

Provided that in case of sugar boiled confectionery where spices are used as centre filling, the ash insoluble in dilute Hydrochloric acid shall not be more than 0.4 per cent.

Where the sugar boiled confectionery is sold under the name of milk toffee, and butter toffee, it shall conform to the following additional requirements as shown against each ;

(1) Milk toffee—

(*i*) Total protein (N × 6.25) shall not be less than 3 per cent by weight on dry basis;

(*ii*) Fat content shall not be less than 4 per cent by weight on dry basis.

(2) Butter toffee—fat content shall not be less than 4 per cent by weight on dry basis.

It may contain sulphur dioxide in concentration not exceeding 350 parts per million.]

[12][A.25.02—LOZENGES: Lozenges shall mean confections made mainly out of pulverised sugar, or icing sugar with binding materials such as edible gums, edible gelatine, liquid glucose or dextrin and generally made from cold mixing which does not require primary boiling or cooking of the ingredients. It may contain any of the following:—

(*i*) sweetening agents such as dextrose, dextrosemononydrate, honey, invert sugar, sugar, jaggery, bura sugar, Khandsari, sorbitol, liquid glucose:

(*ii*) miik and milk products;

(*iii*) nuts and nuts products;

(*iv*) malt syrup;

(*v*) edible starches;

(*vi*) edible common salt;

(*vii*) ginger powder or extracts;

(*vii*) cinnamon powder or extracts;

(*ix*) aniseed powder or extracts;

(*x*) caraway powder or extracts;

(*xi*) cardamom powder or extracts;

(*xii*) cocoa powder or extracts;

(*xiii*) protein isolates;

(*xiv*) coffee extracts or its flavour;

(*xv*) permitted flavouring agents;

(*xvi*) acidulants such as tartaric acid, malic acid and citric acid (food grade);

(*xviii*) permitted colouring matter;

(*xviii*) permitted colouring matter;

(*xix*) vitamins and minerals;

(*xx*) sodium bicarbonate;

(*xxi*) lubricants such as calcium, magnesium or sodium salts of stearic acid talc (not exceeding 2.0 per cent), icing sugar, mineral oil (food grade), stearic acid (food grade), glycerine (food grade),

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12. Item 'A.25.02—Toffees' *omitted* and for item 'A.25.03—Lozenges' Item 'A.25.02—Lozenges' *subs.* by Noti. No. GSR 437(E), dt. 8-4-1988 (w.e.f. 8-10-1988) as corrected by GSR 1081(E), dt. 17-11-1988.

It shall not contain artificial sweeteners.

Mineral oil (food grade), if used as lubricant, shall not exceed 0.2 per cent by weight.

It shall also conform to the following standards ;

(*i*) Sucrose content—Not less than 85.0 per cent by weight.

(*ii*) Ash sulphated (Salt free basis)—Not more than 3.0 per cent by weight.

(*iii*) Ash insoluble in dilute Hydrochloric acid—Not more than 0.2 per cent by weight.

It may contain sulphur dioxide in concentration not exceeding 350 parts per million.]

[13][A.25.02.01—CHEWING GUM AND BUBBLE GUM shall be prepared from chewing gum base or bubble gum base, natural or synthetic, non-toxic ; cane sugar and liquid glucose (corn syrup).

The following sources of gum base may be used :—

(1) Babul, Kikar (Gum Arabic)

(2) KHAIR

(3) Jhingan (Jael)

(4) Ghatti

(5) Chiku (Sapota)

(6) Natural rubber latex

(7) Synthetic rubber latex

(8) Glycerol ester of wood rosin

(9) Glycerol ester of gum rosin

(10) Synthetic resin

(11) Glycerol ester or partially hydrogenated gum or wood rosin

(12) Natural resin

(13) Polyvinyl acetate

(14) Agar (food grade)

It may also contain any of the following ingredients, namely :—

(*a*) Glycerine ;

(*b*) Malt ;

(*c*) Milk powder ;

(*d*) Chocolate ;

(*e*) Coffee ;

(*f*) Gelatin, food grade ;

(*g*) Permitted Flavours ;

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13. *Ins.* by GSR 109(E), dt. 26-2-1983 (w.e.f. 26-2-1983).

(*h*) Permitted Colours ;

(*i*) Permitted anti-oxidants ;

(*j*) Permitted Preservatives ;

(*k*) Permitted Emulsifiers ;

(*l*) Sorbitol ;

(*m*) Lubricants, such as starch, talc, stearic acid, icing sugar, paraffin wax or liquid paraffins, food grade, or other food grade mineral oil ;

(*n*) Water, potable ;

(*o*) Acidulants, food-grade ;

(*p*) Nutrients like vitamins, minerals, proteins ;

(*q*) Titanium dioxide, food-grade (Maximum 1 per cent by weight) ;

(*r*) Calcium carbonate ;

(*s*) Magnesium carbonate ;

(*t*) Phosphated starch ;

It shall be free from dirt, filth, adulterants and harmful ingredients. It shall also conform to the following standards, namely :—

Ingredients	Chewing gum	Bubble gum
(*i*) Gum	Not less than 12·5 per cent by weight.	Not less than 14·0 per cent by weight.
(*ii*) Moisture	Not more than 3·5 per cent by weight.	Not more than 3·5 per cent by weight.
(*iii*) Sulphated Ash	Not more than 9·5 per cent by weight.	Not more than 11·5 per cent by weight.
(*iv*) Acid insoluble ash	Not more than 2·0 per cent by weight.	Not more than 3·5 per cent by weight.
(*v*) Reducing sugars (calculated as dextrose)	Not less than 4·5 per cent by weight.	Not less than 5·5 per cent by weight.
(*vi*) Sucrose	Not more than 70·0 per cent by weight.	Not more than 60·0 per cent by weight.]

[14][* * * *]

A.26—FOOD COLOURS :

Notes

Where 'Arhar dal' was found to be coloured with metanil yellow, but the report of the Public Analyst does not contain the mode of test applied but simply the result of analysis, it was held thar the result of analysis was sufficient. It would constitute the article to be adulterated. [*State of Assam* v. *Bhanwarilal Kundalia*, 1985 Cri LJ 56 : 1984 (1) FAC 243.]

14. For item 'A.25.03—Lozenges' item 'A.25.02—Lozenges' has been *subs.* by Noti. No. GSR 437(E), dt. 8-4-1988 (w.e.f. 8-10-1988.)

A.26.01.—TARTRAZINE.

Common name—Tartrazine.

Synonyms—Hydrazine Yellow, Tartar Yellow, Acid Yellow, FD & C Yellow No. 5, C.I. Food Yellow 4, Lebensmittel Yellow No. 2.

Colour—Colour of the 0·1 per cent (w/v) solution in distilled water—Yellow.

Colour Index number—(1956)—No. 19140
(1924)—No. 640

Class—Pyrazolone.

Chemical name—Trisodium salt of 4—(4'—Sulpho—1'—Phenylazo)—1—(4'—Sulphopheny 1)—5—Hydroxypyrazol—3—Carboxylic- acid)

Empirical Formula—$C_{16}H_9N_4O_9S_2Na_3$
Molecular weight—534.4

General requirements.—The material shall not contain more than 10 parts per millon of copper and 20 parts per million of chromium when tested by the method prescribed in 3 and 4 of IS: 1699 (Part II)—1963 Methods of Sampling and Test for Coaltar Food Colours, Part II.

Tartrazine shall also comply with the following requirements, namely:

Sl. No.	Characteristic	Requirement
(*i*)	Pure dye content, per cent by weight, not less than	85
(*ii*)	Volatile matter at 135°C per cent by weight, not more than	10
(*iii*)	Water-insoluble matter, by weight not more than	0·5
(*iv*)	Combined ether extract, per cent by weight, not more than	0·3
(*v*)	Subsidiary dyes, per cent by weight, not more than	3.0
(*vi*)	Phenylhydrazine-p-sulphonic acid, per cent by weight, not more than	0.5
(*vii*)	Mixed oxides, per cent by weight, not more than	1.0
(*viii*)	Arsenic, parts per million, not more than	1.0
(*ix*)	Lead, parts per million, not more than	10.0

A.26.02.—SUNSET YELLOW FCF N.L.

Common name—Sunset Yellow

Synonyms—Sunset Yellow EG, para Orange, FD & C. Yellow No. 6, Janune Orange S, Jaune 'Sun-set', FCF C.I. Food Yellow 8, Lebensmittel Orange No. 2.

Colour—Colour of the 0.1 per cent (w/v) solution in distilled water—Orange.

Colour Index Number (1956)—No. 15985.

Class—Monoazo.

Chemical name—Disodium salt of 1—(4'—Sulpho—1'—Phenylazo) —2—hydroxynaphthalene 6—Sulphonic acid.

Empirical Formula—$C_{16}H_{10}N_2O_7S_2Na_2$

Molecular weight—452.4

General requirements.—The material shall not contain more than 10 parts per million of copper and 20 parts per million of chromium when tested by the methods prescribed in 3 and 4 of IS : 1969 (Part II)—1963 Methods of Sampling and Test for Coaltar Food Colours, Part II.

Sunset Yellow FCF shall also comply with the following requirements, namely :

Sl. No.	Characteristic	Requirement
(*i*)	Pure dye content, per cent by weight, not less than	85
(*ii*)	Volatile matter at 135°C, per cent by weight, not more than	10
(*iii*)	Water-insoluble matter, per cent by weight, not more than .. —	0.5
(*iv*)	Combined ether extract, per cent by weight, not more than	0.2
(*v*)	Subsidiary dye (lower sulphonated dyes) per cent by weight, not more than	5.0
(*vi*)	Mixes oxides per cent by weight, not more than	1.0
(*vii*)	Arsenic, parts per million, not more than	1.0
(*viii*)	Lead, parts per million, not more than	10.0

A.26.03.—AMARANTH.

Common name—Amaranth.

Synonyms—Bordeaux S, FD & C Red No. 2, Naphthol Red S, Acid Crimson Azorubine. Brilliant Bordeaux B, Bordeaux Acide B, Amaranth, C.I. Food Red 9.

Colour—Colour of the 0.1 per cent (w/v) solution in distilled water—Red.

Colour Index Number (1956)—No. 16185. (1924)—No. 184

Class—Monoazo.

Chemical name—Trisodium salt of 1—(4'—Sulpho, 1'—naphthylazo) —2—hydroxynaphthalene—3 : 6—disulphonic acid.

Empirical Formula—$C_{20}H_{11}N_2O_{10}S_3Na_3$

Molecular weight—604.5

General requirements.—The material shall not contain more than 10 parts per million of copper and 20 parts per million of chromium when tested by the methods prescribed in 3 and 4 of the IS : 1699 (Part II)—1963 Methods of Sampling and Test for Coaltar Food Colours, Part II.

Amaranth shall also comply with the following requirements, namely :

Sl. No.	Characteristic	Requirement
(1)	(2)	(3)
(*i*)	Pure dye content, per cent by weight, not less than	85.0
(*ii*)	Volatile matter at 135°C, per cent by weight, not more than	10.0
(*iii*)	Water-insoluble matter, per cent by weight, not more than	0.5
(*iv*)	Combined ether extract, per cent by weight, not more than	0.2
(*v*)	Subsidiary dyes (as fat red E), per cent by weight, not more than	4.0
(*vi*)	Mixed oxides, per cent by weight, not more than	1.0
(*vii*)	Arsenic, parts per million, not more than	1.0
(*viii*)	Lead, parts per million, not more than	10.0

A.26.04.—ERYTHROSINE.

Common name—Erythrosine.

Synonyms—Soluble Primrose, Pyrosine B, FD & C Red No. 3, Iodosine B Erythrosine BS, Erythrosine J.

Erythrosine Extra Bluish, C.I., Food Red 14.

Colour—Colour of the 0.1 per cent (w/v) solution in distilled water—Red.

Colour Index Number (1956)—No. 45430.
(1924)—No. 773.

Class—Xanthene.

Chemical name—Disodium or potassium salt of tetra-iodofluorescein or of hydroxytetra-iodo-o-carboxy-phenyl flourone.

Empirical Formula—$C_{20}H_6O_5I_4Na_2$

Molecular weight—879.9 (disodium salt).

General requirements.—The material shall not contain more than 10 parts per million of copper and 20 parts per million of chromium when tested by the methods prescribed in 3 and 4 of IS : 1699 (Part II)—1963 Methods of Sampling and Test for Coaltar Food Colours, Part II.

Erythrosine shall also comply with the following requirements, namely :

Sl. No.	Characteristic	Requirement
(1)	(2)	(3)
(*i*)	Pure dye content, per cent by weight, not less than	85.0
(*ii*)	Volatile matter at 135°C, per cent by weight, not more than	12.0
(*iii*)	Water-insoluble matter, per cent by weight, not more than	0.2
(*iv*)	Combined ether extract, per cent by weight, not more than	0.2
(*v*)	Sodium iodide, per cent by weight, not more than	0.4
(*vi*)	Mixed oxides, per cent by weight, not more than	1.0
(*vii*)	Organically bound iodine in the anhydrous pure dye, per cent by weight	56.8 to 58.5
(*viii*)	Arsenic, parts per million, not more than	1.0
(*ix*)	Lead, parts per million, not more than	10.0

A.26.05.—INDIGO CARMINE.

Common name—Indigo Carmine.

Synonyms—Indigotine, Indigo Extract, Saxony,
Blue, FD & C,
Blue No. 2, C Food.
Blue 1, Lebensmittel,
Blue No. 2.

Colour—Colour of the 0.1 per cent (w/v) solution in distilled water—Blue.

Colour Index Number—(1956)—No. 73015.
(1924)—No. 1180.

Class—Indigoid.

Chemical name—Disodium salt of indigotine—5 : 5'—Disulphonic acid.

Empirical Formula—$C_{16}H_8N_2O_8S_2Na_2$

Molecular weight—466.4.

General requirements.—The material shall not contain more than 10 parts per million of copper and 20 parts per million of chromium, when tested by the methods prescribed in 3 and 4 of IS : 1699 (Part II)—1963 Methods of Sampling and Test for Coal Tar Food Colours, Part II.

Indigo Carmine shall also comply with the following requirements, namely :

Sl. No.	Characteristic	Requirement
(*i*)	Pure dye content, per cent by weight, not less than	85.0
(*ii*)	Volatile matter at 135°C, per cent by weight, not more than	10.0
(*iii*)	Water-insoluble matter, per cent by weight, not more than	0.5
(*iv*)	Combined ether extract, per cent by weight, not more than	0.5
(*v*)	Lower sulphonated dyes (sodium indigomonosulphonate) per cent by weight, not more than	5.0
(*vi*)	Mixed oxides, per cent by weight, not more than	1.0
(*vii*)	Arsenic, parts per million, not more than	1.0
(*viii*)	Lead, parts per million, not more than	10.0]

[15][A.26.06.—β-CAROTENE.

β-Carotene is obtained as dark violet hexagonal prisms when crystallised from benzene-methanol sulution ; or as red rhombic, almost quadratic plates, from petroleum ether.

Synonyms—C.I. natural yellow 26.

Colour Index Number (1956)—No. 75130.

Class—Carotenoids.

Chemical name—All trans β-carotene.

Empirical Formula—$C_{40}H_{56}$

Molecular weight—536.89

Melting point—183°+1°C.

Solubility.—Soluble in carbon disulphide, benzene and chloroform, moderately soluble in normal hexane, cyclohexane ether, petroleum ether and oils ; practically insoluble in methanol and ethanol ; insoluble in water.

Spectrophotometric Requirement.—The wavelengths of absorption maxima of all trans β-Carotene in cyclohexane (0.2 mg per 100ml. approximately) and in 1-cm cell shall be 456 mμ to 484μ region. There shall be no cis-peak in the 330 mμ to 365 mμ region.

A solution of β-carotene in chloroform on addition of antimony trichloride solution shall give a dark blue colour having maximum absorption at a wavelength of 590 mμ.

Colour Reaction.—When 2ml. of concentrated sulphuric acid is added to 2ml. of 0.2 per cent solution of β-carotene in chloroform, the acid layer shall turn blue.

15. *Ins.* by Noti. No. GSR 1417 of 20-9-1976 (w.e.f. 2-10-1976).

The material shall have a minimum purity of 96.0 per cent.

Maximum limit of metallic impurities shall be :

Arsenic (as As)	5 p.p.m.
Lead (as Pb)	20 p.p.m.

A.26.07.—CHLOROPHYLL : Chlorophyll, the green pigment of plants, is extracted and widely used as a colouring matter for various food items.

Synonyms—C.I. Natural Green 3 ; Lebensmittel—Green No. 1.

Colour—Green.

Colour Index Number—(1956) No. 75810.
(1924) No. 12499.

Class—Phorbin (dihydrophorbin).

Chemical name—Chlorophyll a-magnesium complex of 1, 3, 5, 8-tetramethyl 4-ethyl-2-vinyl-9-keto-10-carbomethoxy-phorbinphytyl-7-propionate.

Chlorophyll b-magnesium complex of 1, 5, 8-trimethyl-3-formyl-4-ethyl-2-vinyl-9-keto - 10 - carbomethoxyphorbinphytyl-7-propionate.

Empirical formula—Chlorophyll a-C_{55} H_{72} O_5 N_4 Mg.
Chlorophyll b-C_{55} H_{70} O_5 N_4 Mg.

Molecular weight—Chlorophyll a-893.54
Chlorophyll b-907.52.

General.—The material shall be intensely dark green aqueous ethanolic, or oily solution of chlorophyll degradation products. It shall be soluble in ethanol, ether, chloroform and benzene.

Identification tests.—A solution of chlorophyll in ethanol shall be blue with deep red fluorescence.

Brown-phase Reaction.—When green ether or petroleum ether solution of chlorophyll is treated with a small quantity of a 10 per cent solution of potassium hydroxide in methanol, the colour shall become brown quickly returning to green.

Note.—This test is applicable only when chlorophyll has not been treated with alkalis.

Maximum limits for metallic impurities shall be :

Arsenic (as As)—5 ppm

Lead (as Pb)—20 ppm

Copper (as Cu)—30 ppm

Zinc (as Zn)—50 ppm.

A.26.08.—CARAMEL. Description—Caramel shall be prepared from the food grade carbohydrates or their combinations given below by the action of heat, in the presence or absence of acids or alkalis or salts. The material shall be amorphous or liquid and dark brown in colour. It shall be water soluble. It shall also be free from extraneous colouring matter.

Raw materials :

1. Carbohydrates : Caramel shall be prepared from the following food grade carbohydrates or their mixtures :

(*a*) Dextrose,

(*b*) Invert sugar,

(*c*) Lactose,

(*d*) Malt syrup,

(*e*) Sucrose, and

(*f*) Glucose syrup.

2. The following acids and alkalies may be employed to assist caramelization :

(*a*) Acids

(1) Acetic acid,

(2) Citric acid,

(3) Phosphoric acid,

(4) Sulphuric acid,

(5) Sulphur dioxide, and

(6) Carbonic Acid.

(*b*) Alkalies

(1) Ammonia or Ammonium hydroxide,

(2) Pottasium hydroxide, and

(3) Sodium hydroxide.

3. *Salts*.—Ammonium, sodium or potassium carbonate (including bicarbonate), phosphate (including dibasic phosphate and monobasic phosphate). Sulphate and Sulphite may be used.

4. Emulsifying and stabilizing agents as permitted in these rules may be added.

Identification :

(*a*) When 0.5 ml. of phosphoric acid is added to 20 ml. of 5 per cent w/v solution of caramel, no precipitate shall be formed.

(*b*) When one part of caramel is dissolved in 100 parts of water, it shall yield a clear solution having a distinct colour. On exposure to sunlight for 6 hours the colour of this solution shall not change and no precipitate shall be formed.

The minimum density (g/ml) of 10 per cent solution of the material shall be 1.023.

Maximum limits for metallic impurities shall be :

Copper (as Cu)—30 p.p.m.

Arsenic (as As)—5 p.p.m.

Lead (as Pb)—5 p.p.m.

A.26.09.—ANNATTO : The material shall be of the following two types :

(*a*) Solution in oil for use in butter and other food products, and

(*b*) Solution in water for use in cheese and other food products.

General.—The material shall be derived only from the plant Bixa orellana L. and shall not contain any extraneous colouring matter. It shall be manufactured and packed under hygienic conditions.

(*i*) Solution of Annatto colour in oil for use in butter and other food products :

Only the vegetable oils included in these rules shall be used either singly or in combination.

[15a][The solution of Annatto colour in oil shall be either in the form of a clear solution and shall remain so on storage in suitable containers at 15°C except for a slight deposit of stearine or shall be in the form of suspension. The suspension on dilution with hot oil to bring the Bixin content to 0.24 per cent shall be clear solution.]

Colour.—The colour of the solution in amylacetate at a dilution of 1 : 1000 (w/v), when measured in a Lovibond Tintometer with a 1-cm cell shall be not less than the following :

Yellow units	5.0
Red units	0.4

or be equivalent to the colour of the following inorganic solution at a liquid depth of one centimetre which may be employed for matching the stated dilution in a plunger type calorimeter using incident light closely approximating the north day light :

Potassium dichromate	0.320g
Cobalt Ammonium sulphate [$Co\ SO_4\ (NH_4)_2]\ SO_4.6H_2O$]	2.02g
Sulphuric acid, sp. gr. (1.84)	2 ml.
Distilled water	to make solution to one litre.

The reagents shall be of the analytical reagent grade.

Note.—Although the solution retains its tinctorial value for a considerable time, after prolonged storage, its optical clarity shall be examined before use, to ensure that no alteration has taken place.

(*ii*) Solution of Annatto colour in water for use in cheese and other food products :

In the preparation of the solution, potable water shall be used. A little quantity (0·5 to 3 per cent) of alkali may be added.

The solution shall be clear and shall remain so on storage in suitable containers at a temperature of 15°C.

Colour.—The colour of the solution in 0.1 N sodium hydroxide or potassium hydroxide at a dilution of 1 : 10,000 (w/v) measured in 1 cm. cell shall be the same as that specified in (*i*) above.

Maximum limit of metallic impurities shall be :

Arsenic (As)	5 p.p.m.
Lead (as Pb)	20 p.p.m.
Copper (as Cu)	30 p.p.m.

15a. *Subs.* by Noti. No. GSR 101(E), dt. 18-2-1992 (w.e.f. 18-2-1992) as corrected by GSR 525(E), dt. 15-5-1992.

A.26.10—RIBOFLAVIN : Riboflavin is a yellow to orange-yellow crystalline powder. Melting point about 280°C with decomposition.

Solubiiity—Slightly soluble in water, more soluble in saline solution and in a 10 per cent (w/v) solution of urea, sparingly soluble in alcohol, practically insoluble in chloroform and in solvent ether, and soluble in dilute solution of alkali hydroxides.

Synonyms—Vitamin B_2, Lactoflavin and Lactroflavine.

Colour—Yellow to orange-yellow.

Class—isoalloxazine.

Chemical name—6 : 7—dimethyl-9-(d-1-ribityl)-isoalloxazine.

Empirical Formula—$C_{17}H_{20}ON_4O_6$

Molecular weight—376·38.

Identification.—A solution of 1 mg of Riboflavin in 100 ml water is pale greenish yellow in transmitted light, and has an intense yellowish green flourescence which disappears on the addition of sodium dithionite and mineral acids or alkalis.

Spectrophotometry—Absorption maxima of aqueous solution shall be at 220 to 225, 266, 371 and 444 mμ.

Specific Rotation.—It shall be determined in a 0·5 per cent w/v solution in a mixture of 1·5 ml of O·1N alcoholic solution of potassium hydroxide (free from carbonate) and sufficient freshly boiled and cooled water to produce 10 ml. The specific rotation, when calculated with reference to the substance dried to constant weight in the dark at 105°C, shall be—122°

The material shall have minimum purity of 97·0 per cent.

Maximum limit of metallic impurities shall be :

Arsenic (as As)	5 p.p.m.
Lead (as pb)	20 p.p.m.]

[16][A.26.11—PONCEAU 4R :

Common name : Poneceau 4R

Synonyms : C.I. Food Red 7, labensmittel Rot No. 4, Coccine Nouvelle, Cochineal Red A ; E.E.C. Serial No. E. 124.

Colour of the 0·1 per cent (m/v) solution in distilled water : Red

Colour Index No. (1956) No. 16255

Class : Monoazo

Chemical name : Trisodium salt of 1-(-4-Sulpho-1-naphthylazo)-2-naphthol-6, 8 disulphonic acid.

Empirical formula : $C_{20}H_{11}N_2O_{10}S_3Na_3$

Molecular Weight : 604·5

16. *Ins.* by Noti. No. GSR 393(E), dt. 4-8-1978 (w.e.f. 4-8-1978).

General requirements : The material shall be free from mercury, selenium and chromium in any form, aromatic nitro compounds ; aromatic hydrocarbons and cyanides.

Ponceau 4R shall also comply with the following requirements, namely :—

Sl. No.	Characteristics	Requirements
1	2	3
1.	Total dye content per cent by mass corrected for sample dried at 105 ± 1°C for 2 hours.	Not less than 80
2.	Volatile matter at 135°C per cent by mass	Not more than 10
3.	Water insoluble matter per cent by mass	Not more than 0.5
4.	Combined ether extract : per cent by mass	Not more than 0.5
5.	Subsidiary dyes, per cent by mass	Not more than 1.0
6.	Dye intermediate, per cent by mass	Not more than 0.5
7.	Arsenic, parts per million	Not more than 3
8.	Lead, parts per million	Not more than 10

A.26.12—CARMOISINE :

Common name : Carmoisine

Synonyms : Azorubine, C.I. Food Red 3, E.E.C. Serial No. E. 122.

Colour of the 0.1 per cent (m/v) solution in Distilled Water Red.

Colour Index Number—(1956)—No. 14720.

Class—Monoazo.

Chemical Name : Disodium salt of 2(4-sulpho-1-naphthylazo)-1-naphthol-4-sulphonic acid.

Empirical Formula : $C_{20}\ H_{12}\ N_2\ O_7\ S_2\ Na_2$

Molecular weight : 502.44.

General Requirements : The material shall be free from mercury, selenium and chromium in any form, aromatic amines ; aromatic-nitro compounds, aromatic hydrocarbons and any cyanides.

Carmoisine shall also comply with the following requirements, namely :—

Sl. No.	Characteristics	Requirements
1	2	3
1.	Total dye content, per cent by mass corrected for sample dried at 105 ± 1°C for 2 hours	Not less than 85
2.	Volatile matter at 135°C per cent by mass	Not more than 10
3.	Water insoluble matter, per cent by mass	Not more than 0.5
4.	Combined ether extracts, per cent by mass	Not more than 0.5

5.	Subsidiary Dyes, per cent by mass	Not more than 1.0
6.	Dye intermediate per cent by mass	Not more than 0.5
7.	Arsentic, parts per million	Not more than 3
8.	Lead, parts per million	Not more than 10

A.26.13—FAST RED E :

Common name : Fast Red E

Synonyms : C.I. Food Red 4, Rouge Solide E

Colour of the 0.1 per cent (m/v) solution in Distilled Water Red

Colour Index Number : (1956)—No. 16045

Class : Monoazo

Chemical Name : Disodium Salt of 14-(4-sulpho-1-naphthylazo)-2-naphthol-6-sulphonic acid.

Empirical Formula : $C_{20}H_{12}N_2O_7S_2Na_2$

Molecular weight : 502.44

General Requirements : The material shall be free from mercury, selenium and chromium in any form, aromatic amines, aromatic nitro compounds, aromatic hydrocarbons and cyanides.

Fast Red E shall also comply with the following requirements, namely :

Sl. No.	Characteristics	Requirements
1	2	3
1.	Total dye content, per cent by means corrected for sample dried at 105 ± 1°C for 2 hours	Not less than 85
2.	Volatile matter at 135°C per cent by mass	Not more than 10
3.	Water-insoluble matter, per cent by mass	Not more than 0·5
4.	Combined ether extracts, per cent by mass	Not more than 0·5
5.	Subsidiary dyes, per cent by mass	Not more than 4·0
6.	Dye intermediates per cent by mass	Not more than 0·5
7.	Arsenic, parts per million	Not more than 3
8.	Lead, parts per million	Not more than 10

A.26.14.—COAL TAR FOOD COLOUR PREPARATIONS AND MIXTURES :

Colour preparation : Colour preparation means a preparation containing one or more of the permitted coal tar food colours along with diluent and/or filler material and meant to be used for imparting colours to foods.

Colour mixture :-Colour mixture means a mixture of two or more permitted coal tar food colours without diluents and filler material and meant to be used for imparting colours to foods.

Permitted coal tar food colours used in preparation or in mixture shall conform to relevant prescribed specifications. The colour preparation shall be either in the form of liquid or powder. The liquid preparation shall be reasonably free from sediments. The powder preparation shall be reasonably free from lumps and any visible extraneous or

foreign matter. Colour preparation or mixture may contain preservatives and stabilizers permitted under these rules:

Only the following diluents or filler materials shall be permitted to be used in colour preparation, namely—

(*a*) Potable water; (*b*) Edible common salt; (*c*) Sugar; (*d*) Dextrose monohydrate; (*e*) Liquid Glucose: (*f*) Sodium sulphate; (*g*) Tartaric acid; (*h*) Glycerine; (*i*) Propylene glycol, food grade; (*j*) Acetic acid, dilute; (*k*) Sorbitol; food grade; and (*l*) Citric acid.

The total coal tar dye content per cent by mass (m/m) in colour preparation or in mixture shall be declared on the label of the container. In powder preparation, the declared value shall be on moisture free basis and in case of preparation on 'as is basis' and the total dye content shall be within ± 15 per cent of the declared value. Colour preparation and colour mixture shall also comply with the following requirements, namely:

Sl. No.	Characteristics	Requirements
1	2	3
1.	Water insoluble matter, per cent by mass	Not more than 1.0
2.	Arsenic as (As) parts per million	Not more than 3
3.	Lead as(Pb) parts per million	Not more than 10

Note.—All requirements shall be on dry basis.]

Notes

The only artificial dyes which were permitted to be used in food were those set out in Rule 28. Rule 29 prohibited the use of permitted coal-tar dyes in or upon any food other than those enumerated in Rule 29. Linseed oil was not one of the articles of food enumerated in Rule 29 and hence even permitted coal-tar dyes could not be added to linseed oil. [*Prem Ballabh* v. *Delhi Administration*, (1977) 1 SCC 173: 1977 SCC (Cri) 78: 1977 Cr LJ 12.]

Though there was no express evidence to show that the use of the particular coal-tar dye in the making of the 'PATISA' sold was injurious to health, it must be presumed to be so from the fact that it is not one of the permitted coal-tar dyes enumerated in Rule 28. It is therefore, clear that the sale of such an article of food was anti-social activity, deleterious to the health of those who would consume them as article of food. The principle aim of the enactment of Prevention of Food Adulteration Act (1954) is the eradication of the same. [*Jai Narain* v. *Municipal Corporation of Delhi*, 1973 Cri LJ 49: (1972) 2 SCC 637: 1973 SCC (Cri) 52]

The addition of coal-tar dye is injurious to human health. The colour which was mixed with powdered chillies is not mentioned in the Public Analyst Report to be injurious to human life. It does not follow that because it is not specifically mentioned to be injurious it is non-injurious Absence of evidence is not equal to Evidence of absence. [*Sharif Ahmad* v. *State of U. P.*, (1979) 4 SCC 412: 1980 SCC (Cri) 3.]

[17][A.27.01.—SILVER LEAF (Chandi-ka-warq)—food grade—shall be in the form of sheets, free from creases and folds and shall contain not less than 99.9 per cent of silver.]

17. *Ins.* by Noti. No. GSR 992, dt. 4-6-1971.

[18][A.28.—GROUNDNUT KERNEL (deshelled) for direct human consumption commonly known as Moongphali are obtained from the plant Arachis hypogols. The kernels shall be free from non-edible seeds such as mahua, castor, neem or argemone etc. It shall be free from colouring matter and preservatives. It shall be practically free from extraneous matter such as stones, dirt, clay etc. The kernels shall conform to the following standards, namely :

(*a*) Moisture—not more than 7.0 per cent.

(*b*) Damaged kernel including slightly damaged kernel—not more than 5.0 per cent by weight.

(*c*) Aflatoxin content—not more than 30 parts per billion.]

[19][A.29.—BEVERAGES.—ALCOHOLIC :

A.29.01.—TODDY : Toddy means the sap from coconut, date, toddy palm tree or any other kind of palm tree which has undergone alcoholic fermentation. It shall be white cloudy in appearance which sediments on storage and shall possess characteristic flavour derived from the sap and fermentation without addition of extraneous alcohol. It shall be free from added colouring matter, dirt, other foreign matter or any other ingredient injurious to health. It shall also be free from chloral hydrate and paraldehyde.

It shall also conform to the following standards, namely :

(*a*) Alcoholic content. . . . . Not less than 5 per cent (*v/v*).

(*b*) Total acid as tartaric acid (expressed in terms of 100 litres of absolute alcohol. . . . . Not more than 400 grams.

(*c*) Volatile acid as acetic acid (expressed in terms of 100 litres of absolute alcohol). . . . . Not more than 100 grams.]

[20][A.30.—PAN MASALA means the food generally taken as such or in conjunction with Pan, it may contain :—

Betelnut, lime, coconut, catechu, saffron, cardamom, dry fruits, mulethi, sabermusa, other aromatic herbs and spices, sugar, glycerine, glucose, permitted natural colours, menthol and non-prohibited flavours.

It shall be free from added coal-tar colouring matter, [* * *][21] and any other ingredient injurious to health.

It shall also conform to the following standards, namely :

Total ash.—Not more than 8.0 per cent by weight (on dry basis).

Ash insoluble in dilute hydrochloric acid.—Not more than 0.5 per cent by weight (on dry basis).]

[22][A.31.—FAT SPREAD means a product in the form of water in oil emulsion, or an aqueous phase and a fat phase of edible oils and fats excluding animal body fats. The individual oil and fat used in the spread shall conform to the respective standards prescribed by these rules.

Fat spread shall be classified into the following three groups :—

(*a*) Milk fat spread — Fat content will be exclusively milk fat.

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18. *Ins.* by Noti. No. GSR 18(E), dt. 15-1-1977 (w.e.f. 15-4-1977).

19. *Ins.* by Noti. No. GSR 243, dt. 15-2-1980 (w.e.f. 1-9-1980) as corrected by Noti. No. GSR 996, dt. 8-9-1980.

20. *Ins.* by Noti. No. GSR 128(E), dt. 8-3-1990 (w.e.f. 8-9-1990).

21. Words "artificial sweeteners" *omitted* by Noti. No. GSR 695(E), dt. 9-11-1993 (w.e.f. 9-11-1993).

22. *Ins.* by Noti. No. GSR 481, dt. 16-9-1993 (w.e.f. 2-10-1993) as corrected by Noti. No. GSR 512(E), dt. 15-6-1994.

(*b*) Mixed fat spread	Fat content will be a mixture of milk fat with any one or more of hydrogenated, unhydrogenated refined edible vegetable oils or interesterified fat.
(*c*) Vegetable fat spread	Fat content will be a mixture of any two or more of hydrogenated, unhydrogenated refined vegetable oils or interesterified fat.

The fat content shall be declared on the label. In mixed fat spread, the milk fat content shall also be declared on the label along with the total fat content.

The word 'butter' will not be associated while labelling the product.

It may contain edible common salt not exceeding 2 per cent by weight in aqueous phase; milk solids-not-fat; starch not less than 100 ppm and not more than 150 ppm; Diacetyl may be added as flavouring agents not exceeding 4.0 ppm, permitted emulsifiers and stabilisers; permitted antioxidants (BHA or TBHQ) not exceeding 0.02 per cent of the fat content of the spread; permitted Class II preservatives namely sorbic acid including its sodium, potassium and calcium salts (calculated as sorbic acid) or benzoic acid and its sodium and potassium salts (calculated as benzoic acid) singly or in combination not exceeding 1000 per million by weight; and sequestering agents. It may contain annatto and/or carotene as colouring agents. It shall be free from animal body fat, mineral oil and wax. Vegetable fat spread shall contain raw or refined Sesame oil (Til oil) in sufficient quantity so that when separated fat is mixed with refined groundnut oil in the proportion of 20:80 the red colour produced by Baudouin test shall not be lighter than 2.5 red units in 1 cm cell on a Lovibond scale.

It shall also conform to the following standards, namely :

(*i*) Fat	Not more than 80 per cent and not less than 40 per cent by weight.
(*ii*) Moisture	Not more than 56 per cent and not less than 16 per cent by weight.
(*iii*) Melting point of extracted fat (capillary slip method) in case of vegetable fat spread	Not more than 37°C.
(*iv*) Unsaponifiable matter of extracted fat—	
(*a*) In case of milk fat and mixed fat spread	Not more than 1 per cent by weight.
(*b*) In case of vegetable fat spread	Not more than 1.5 per cent.
(*v*) Acid value of extracted fat	Not more than 0.5.

It shall be compulsorily sold in sealed packages weighing not more than 500g under Agmark certification mark.

(*vi*) The vegetable fat spread shall contain not less than 25 IU synthetic Vitamin 'A' per gram at the time of packing and shall show a positive test for Vitamin 'A' when tested by Antimony Trichloride (Carr-Price) reagents (as per I.S. 5886—1970).]

[23][A.32.—MINERAL WATER :

1. Natural Mineral water means the mineral water obtained directly from potable natural or drilled sources like spring, artesian well, drilled well or from an underground formation and not from public water supply. It shall be free from dirt, foreign matter or any other ingredients injurious to health. It shall not be transported in bulk container for packaging or any other processing before packing.

2. Fortified mineral water means the water derived from any source of potable water which may be blended, treated/fortified with mineral salts.

Mineral water shall be packed in clean and sterile containers.

Mineral water shall also conform to the following standards, namely :

Turbidity (not more than) (NTU)	—5
Total dissolved solids (not more than) mg/l	—1500
pH Value	—6.5—8.5
Copper (Cu)mg/l (not more than)	—1.0
Iron (as Fe) mg/l (not more than)	—0.3
Nitrate (as NO_3) mg/l (not more than)	—45
Residual Free Chlorine mg/l (not more than)	—0.2
Fluoride (as F) mg/l (not more than)	—1.5
Mercury (as Hg) mg/l (not more than)	—0.001
Cadmium (as Cd) mg/l (not more than)	—0.01
Arsenic (as As) mg/l (not more than)	—0.05
Cyanide	—absent
Lead (as Pb) mg/l (not more than)	—0.05
Mineral Oil	—absent
Chromium (as Cr) mg/l (not more than)	—0.05
Chlorides (as Cl) mg/l (not more than	—200
Sulphates (SO_4) mg/l (not more than)	—250
Alkalinity (as HCO_3) mg/l (not more than)	—600
Yeast & mould count	—absent
E. coli	—absent
Salmonella and Shigella	—absent
Clostridium Welchii, C. Botulinum and Bacillus Cereus	—absent
Vibro cholerae and V. Parahaemolyticus	—absent.]

[24][NOTE].—**Without prejudice to the standards laid down in this Appendix, whenever water is used in the manufacture or preparation of any article of food, such water shall be free from micro-organisms likely to cause disease and also free from chemical constituents which may impair health.**]

23. *Ins.* by Noti. No. GSR 807(E), dt. 14-11-1994 (w.e.f. 14-11-1994) as corrected by Noti. No. GSR 518(E), dt. 26-6-1995.

24. *Ins.* by Noti. No. GSR 1533, dt. 8-7-1968.

THE U. P. PREVENTION OF FOOD ADULTERATION RULES, 1976[1]

1. **Short title, extent and commencement.**—(1) These Rules may be called the Uttar Pradesh Prevention of Food Adulteration Rules, 1976.

(2) They extend to the whole of Uttar Pradesh and shall come into force with effect from the date of their publication in the Official *Gazette*.

2. **Definitions.**—In these rules, unless the context otherwise requires—

(*a*) "Act" means the Prevention of Food Adulteration Act, 1954 (No. 37 of 1954) ;

(*b*) "Food (Health) Authority" means the Director of Medical and Health Services, Uttar Pradesh ;

(*c*) "Food Inspector" means a person appointed by the State Government under Section 9 of the Act, or by the Central Government under Section 14 of the Act ;

(*d*) "Form" means a form set forth in Appendix 'A' of these rules ;

(*e*) "Public Analyst" means any person appointed by the State Government under Section 8 of the Act ; and

(*f*) "Rules" means Rules made under the Prevention of Food Adulteration Act, 1954 by the Central Government or by the State Government of Uttar Pradesh.

3. **Duty of Food Authority and Local Authority.**—It shall be the duty of the Food (Health) Authority and Local Authority, to carry into execution and enforce the provisions of the Act, and the rules framed thereunder within the territorial limits of Uttar Pradesh, with a view to ensure that the articles of food are manufactured and sold in a pure and genuine condition.

4. **Licensing authorities.**—(1) The authorities mentioned below are empowered to issue licences in the prescribed form for the manufacture, for sale, for the storage, for the sale and for the distribution of articles of food or any specified articles of food or class of articles of food, in respect of the local areas mentioned against each of them :

(*a*) All Nagar Swasthya Adhikaris, Atirikt Nagar Swasthya Adhikaris or Municipal Medical Officers of Health in Uttar Pradesh.	The Corporation or Municipal Areas within their jurisdiction.
(*b*) All Deputy Chief Medical Offices of Health in Uttar Pradesh.	The Rural and Urban Areas within their jurisdiction.

1. *Vide* Noti. No. 538/XVI-10—825-57, dated May 24, 1976 published in the U. P. *Gazette*, Extra., dated 24th May, 1976, pp. 6-11.

(*c*) Senior Medical Officers of Cantonment Board in Uttar Pradesh.	The Cantonment Area within their jurisdiction.
(*d*) Divisional Medical Officers of various Indian Railways within Uttar Pradesh.	The Railway premises including Railway Colonies within their jurisdiction.

(2) The authorities mentioned in sub-rule (1) above shall, for the purposes of these rules, be known as "Licensing Authorities"

5. **Application for Licences**. —An application for the grant of licence under these rules shall be made in Form I to the licensing authority of the area concerned, who shall grant a licence in Form II.

Every licensing authority shall maintain a register in Form III.

Note.—The licence form and application form are saleable for 2 paise and 3 paise per form, respectively, and can be obtained from the licensing authorities.

6. **Licence fee**.—(1) For every licence issued under rules, a fee of Rs. 10 (rupees ten only) shall be levied from a manufacturer or wholesaler Rs. 4 (rupees four only) from a retailer, and Rs. 2 (rupees two only) together with 50 paise as cost of metallic badge from a hawker.

(2) For a duplicate copy of a licence issued under this rule if the original is defaced, damaged or lost, a fee of Rs. 3 (rupees three only) shall be charged from a manufacturer or wholesaler Rs. 2 (rupees two only) from a retailer, and Re. 1 (rupee one only) from a hawker. In the cases of replacement owing to loss of the original metallic badge the charge shall be Re. 0·50 (fifty paise only).

The fees collected under sub-rules (1) and (2) above, shall be deposited under State receipt head "XXIV—Public Health—Fees and fines etc. Income from licence fees under P. F. A. Act".

(3) For the purposes of these rules—

(*a*) "Manufacturer" means a person who manufactures an article of food in quantities exceeding 20 Kilograms on any one day, or who manufactures an article of food in a factory as defined in the Factories Act, 1948, for sale to wholesaler or a retailer;

(*b*) "Wholesaler" means a person who ordinarily sells an article of food to a retailer;

(*c*) "Retailer" means a person who sells an article of food directly to individual consumers;

(*d*) "Hawker" means a person who carries on a business of selling an article of food from door to door and not at any fixed premises.

7. **Maintenance of register by manufacturer or wholesaler**.—Every manufacturer or wholesaler in ghee, butter, charbi, edible oils, or hydrogenated vegetable oil products shall maintain a register as in Form IV which shall be open to inspection by the licensing authority or any other officer duly authorised by him in this behalf.

8. **Grant and renewal of Licence**.—(1) The authorities mentioned in Column 1 below shall, for the purposes of Section 2(*viii*) of the Act, be the

"local authorities" in respect of the areas indicated against each in Column 2:

Column 1	*Column 2*
(*a*) Magistrates incharge of the Sub-Divisions concerned.	Rural area including town areas.
(*b*) The Officers incharge of any area declared by the Central Government or the State Government under sub-section (*vii*) of Section 2 of the Act, by a notification in the *Gazette*, as "Local area" by whatever name he is called.	The area concerned.

(2) A licence may be granted for a period of one year commencing from April 1 and ending with March 31, or for any portion thereof.

(3) An application for the renewal of a licence shall be made by the licence-holder at least thirty days before the date on which the current licence is to expire. The fee payable for the renewal of the said licence shall be the same as prescribed under Rule 6(1):

Provided that if the applicant applies for the renewal of a licence after its expiry, but within one month of such expiry, the fee payable for the renewal of such licence shall be the same as prescribed under Rule 6(1) and an additional fee in equal amount.

9. Duration of a licence.—If a person who holds a licence under the rules dies, the licence shall remain effective for the benefit of his lawful heir until the expiration of three months from the date of death of the licensee, or until the date of the expiry of the terms of licence, whichever is earlier.

10. Fines.—All fines imposed by courts under the provisions of the Act or rules framed thereunder shall in the first instance be credited to the head "XXI—Administration of Justice—General, Fees, Fines, and Forfeitures—Fines" and 50 per cent thereof will ultimately be re-imbursed in the shape of Grant-in-aid to those local authorities, other than Magistrates in-charge of the Sub-Divisions, within whose jurisdiction the offence was committed and who bear full expenses of the prosecutions from the stage of taking sample by the Food Inspectors to the stage of final decision by the court:

Provided that fines imposed by the courts in respect of cases challenged by the Food Inspectors appointed by the State Government anywhere in the State be credited to the State Revenues.

11. Fee for analysis.—The fee for the analysis of a sample of food sent to the Public Analyst for analysis by a purchaser, or any other person, under Section 12 of the Act shall be Rs.20 (rupees twenty only).

12. Expenses in connection with collection and despatch of food samples.—All expenses incurred in connection with the collection and despatch of food samples for analysis and in the prosecution of persons under the Act or rules framed thereunder shall be met by the local authority within whose jurisdiction the sample of food is collected by its Food Inspectors or

the offence is committed. Where no such local authority exists, such expenses shall be met by the State Government.

APPENDIX 'A'

FORM I

[*See* clause (*b*) of sub-section (2) of Section 24 of the Prevention of Food Adulteration Act, 1954]

Form of application for the issue of licence under Uttar Pradesh Prevention of Food Adulteration Rules, 1976.

Application for licence/renewal of licence for the year.....,19

Name of applicant....., son of..... ....., resident of....., to carry on the sale of milk, skimmed milk, separated milk/toned milk/double toned milk/standardised milk, milk products, *ghee*/butter/edible oils, hydrogenated vegetable oil/*charbi*/ sweetmeats/savoury/aerated water/articles made out of flour including biscuits and other bakery products, as a manufacturer/wholesaler/retailer/hawker in premises.†

No. *...../situated in the Municipality/Notified Area/Town Area/Railway Area/Village of.....in the district of..... .....old licence no.....old badge no..... (for hawkers only), dated.....attached.

Signature of thumb-impression of the applicant.

Dated.....

†In case of hawkers address shall be given.

*In case there be no premises number, the boundaries of site shall be noted.

(For use of the Licensing Authority)

Remarks as to how for the conditions governing the issue of licence are fulfilled

Signature of Reporting Officer.

(Report by Officer of Licensing Authority)

Fee amounting to Rs.....deposited in the office, *vide* challan no....., dated.....which has been scrutinised and found in order.

Signature.....

Sanctioned/Refused for the reasons given herein.

Signature of Licensing Authority.

Dated.....

FORM II

Form of licence of.....issued under the Uttar Pradesh Prevention of Food Adulteration Rules, 1976.

Municipality/Notified Area/District Corporation/Cantonment/Railway Premises.

Licence No.....

Dated.....

Pursuant to the provisions of the rules framed under the Prevention of Food Adulteration Act, 1954.

(Name)....., son of....., resident of..... District.....is hereby licensed to sell or offer or expose for sale or store for sale*.....as a manufacturer/wholesaler/retailer/ hawker from.....to.....within the limits of..... .....Municipal/Notified Area/Town Area/Rural Area/Cantonment Area/Railway Area; subject to the terms and conditions of the licence as given below:

Licensing Authority.

Dated.....

Note.—An application for the renewal of this licence should be made by March 1, every year.

*Here insert the name and nature of article of food for which licence has been granted.

CONDITIONS OF LICENCE

1. The business premises or shop, where food is sold or exposed for sale or stored for sale shall be free from sanitary defects and the licensee shall make such alterations in the business premises as may be required by the licensing authority.

2. No licensee shall employ any person who is suffering from infectious, contagious or loathsome disease.

3. Every manufacturer or wholesaler in food articles shall maintain a register (in Form IV) showing the quantity manufactured, received or sold, and the destination of each consignment of substances sent out from his manufactory or place of business, and this register shall be open to inspection when so required by the licensing authority or any officer duly authorised by him in this behalf.

4. A Licensee, who is not a hawker, shall put up a signboard written in English and Hindi characters, prominently indicating the kind of product sold in his shop. The notice-board shall always be maintained in good order' and be put up at a prominent and conspicuous place in his shop so that it may be distinctly visible to customers.

5. A hawker granted a licence under the rules shall carry a metallic badge, showing clearly the licence number, and name and nature of the article for the sale of which the licence has been granted.

6. A licensee shall manufacture or sell pure product only which shall be free from any admixture with foreign substances; provided that mixtures of food may be sold if they are otherwise permitted by the Prevention of Food Adulteration Rules, 1955, and are labelled in accordance with the said rules.

7. The licence will, at the most, cover a period of one year ending on March 31, and an application for the renewal of the licence shall be made at least thirty days before the expiry of the existing licence.

8. Shop-keepers (other than proprietors of hotels and restaurants) dealing in sweetmeats, savouries, *etc.* prepared from *ghee* shall not sell sweetmeat, *etc.* prepared from hydrogenated vegetable fat or edible oils in the same shop and *vice-versa*. They shall put up and display prominently a notice board in the shop or premises in English and Hindi characters stating the nature of the cooking medium such as (*ghee* or oil or fat) used by them in the preparation of sweetmeats and savouries for the information of intending purchasers.

9. No printed paper, including newspapers or any waste paper, shall be used by licensee for the purpose of covering cooked articles of food at the shop, or for serving cooked food to customers.

10. Articles of food covered by sub-clause (1) of Rule 50 of the Prevention of Food Adulteration Rules, 1955 and which are not intended for human consumption, shall not be stored or sold in the same premises where such edible food are stored or sold, under licence.

Note.—These conditions of licence are in addition to the conditions for sale and licence mentioned in Rules 49 and 50 of the Prevention of Food Adulteration Rules, 1955.

FORM III

Form of register (under Rule 5)

Serial No.	Date of applicant	Name of application	Address	Articles of food for which licence has been applied for
1	2	3	4	5

Whether as a manufacturer, wholesaler, retailer or hawker	Location of business premises	Report of Food Inspector, if the business premises are free from sanitary defects
6	7	8

Orders passed by the Licensing Authority	Amount of licence fee paid	Licence No.	Date of issue of licence	Date of expiry of licence
9	10	11	12	13

FORM IV

Form of Register (under Rule 7)

Date of transaction	Quantity purchased or manufactured in factory and brought for sale	Price paid	Form whom purchased with address	Quantity sold
1	2	3	4	5

Net price charged for sale	To whom sold with complete address	Stock in hand
6	7	8

NOTIFICATIONS OF CENTRAL GOVERNMENT

Section 2(vi)

[1] **Ministry of Railways (Railway Board), Noti. No. G.S.R. 1954, dated August 26, 1976.** *See* **1976 Current Central Legislation, Part III, p. 250, §[129].**

In exercise of the powers conferred by clause (*vi*) of Section 2 of the Central Government in the Ministry of Railways hereby empower the Chief Medical Officers of the Zonal Railways to exercise the powers and perform the duties of the Food (Health) Authority with respect to the local area as notified in the Gazette of India under G.S.R. No. 282, dated 28-2-70 which falls within their respective jurisdiction.

Section 2(viii-a)

[2] **Ministry of Railways (Railway Board), Noti. No. G.S.R. 360, dated March 19, 1985, published in the Gazette of India, Part II, Section 3(*i*), dated 6th April, 1985, p. 980, as amended by GSR 101, dated January 30, 1989.**

In exercise of the powers conferred by clause (*viii-a*) of Section 2 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) and in supersession of the notification of the Government of India in the Ministry of Railways, No. GSR No. 633, dated 17th May, 1982, published in the Gazette of India, dated the 24th July, 1982 in Part II, Section 3, sub-section (*i*) at page 1839, the Central Government in the Ministry of Railways hereby appoint all Chief Hospital Superintendents/Chief Medical Superintendents/Medical Superintendents/Senior Divisional Medical Officer (Health) and Deputy Chief Medical Officer (Health) of the Zonal Railways to be the Local (Health) Authority in relation to a local area as notified in the Gazette of India under GSR No. 282, dated the 28th February, 1970 in respect of that portion of the local area falling within their respective jurisdiction.

[3] **Noti. No. G.S.R. 650(E), dated October 13, 1977.** *See* **1977 Current Central Legislation, Part III, p. 398, §[423].**

In exercise of the powers conferred by clause (*viii-a*) of Section 2, the Central Government hereby appoints the officer mentioned in column (2) of the Schedule annexed hereto to be the Local (Health) Authority incharge of the Health administration in the local area respectively specified against him in column (3) of the said Schedule:

SCHEDULE

Serial No.	Officer	Local area
(1)	(2)	(3)
1.	Health Officer of a major post appoint under sub-clause (*a*) of clause (5) of Rule 2 of the India Port Health Rules, 1955.	The area within the limits of the major port for which he is appointed.
2.	Health Officer referred to in clause (8) of Rule 2 of the Indian Aircraft (Public Health) Rules, 1954.	The area within the airport for which he is appointed.

Section 4

[4] **Noti. No. S.O. 80(E), dated February 8, 1978.** *See* **1978 Current Central Legislation, Part III, p. 161, § [200].**

In exercise of the powers conferred by the proviso to sub-section (1) of Section 4 the Central Government hereby specifies each of the following Institutes as a Central Food Laboratory for the purposes of this Act with effect from 1st April, 1978, namely: –

1. The Central Food Technological Research Institute, Mysore.
2. The State Public Health Laboratory, Pune.
3. The Food Research and Standardisation Laboratory, Ghaziabad.

Section 20

[5] **Ministry of Railways (Railway Board), Notl. No. G.S.R. 237, dated January 20, 1977.** *See* **1977 Current Central Legislation, Part III, p. 29, § [37].**

In exercise of the powers conferred by sub-section (*i*) of Section 20, the Central Government hereby authorises the Chief Medical Officers of the Zonal Railways within their respective jurisdictions for the purpose of the said sub-section.

Rule 6(i)

[6] **Noti. No. S.O. 858(E), dated December 28, 1977.** *See* **1977 Current Central Legislation, Part III, p. 408 § [440].**

In pursuance of the provision of Rule 6(*i*), the Government of India hereby recognises Central Food Laboratories established under Section 4 and all laboratories where Public Analysis are appointed under the provision of the Act for the purpose of considering experience gained therein for appointment as Public Analyst.

Rule 8

[7] **Noti. No. G.S.R. 634(E), dated October 7, 1977.** *See* **1977 Current Central Legislation, Part III, p. 397, § [420].**

In exercise of the powers conferred by clauses (*iii*) and (*iv*) of Rule 8, the Central Government hereby approves the *Food (Health) Authorities* of all States and Union Territories except Manipur, Nagaland, Meghalaya, Tripura, Arunachal Pradesh, the Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Goa, Daman & Diu, Lakshadweep and Mizoram, for providing training in Food Inspection and sampling work as provided in the said clauses for a period of one year from the date of publication of the notification in the Official Gazette (*i.e.* dated October 7, 1977).

[8] **Ministry of Health and Family Welfare (Department of Health), Notl. No. G.S.R. 1098(E), dated September 19, 1986, published in the Gazette of India, Extra., Part II, Section 3(i), dated 19th September, 1986, p. 2** [*P. 15025/87/82-PH (F & N) PFA*]

In exercise of the powers conferred by Section 8 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), the Central Government hereby appoints the public analysts appointed by the State Governments and the Union Territories, as Public Analyst for the local areas falling within the jurisdiction of Seaport, Airport, Railway Stations and the Cantonments situated within the respective State and Union Territories, for the purpose of this Act.

COMMODITY INDEX

The following is a commodity-wise guide to Rules and Appendix B of the Rules. The name of the commodity is followed by the relevant Rule and Item Number as classified in Appendix B. 'R' stands for Rule or Rules and 'A' stands for Appendix.

Acetic acid, R. 53
Adrak powder, A.05.13.01
Adrak whole, A.05.13
Aerated water, R. 43
Aflatoxin, R. 57-A
Agar agar (food grade), R. 48-C
Ajowan, A.05.23
Alcoholic beverages, R. 29, A.29
Alcoholic wines, R. 55
Alfa isomer, R. 65
Alginic acid (food grade), R. 48-C
Almond, R. 48-B
Almond oil, A.17.16
Amaranth, A.26.03
Ammonium Phosphate monobasic, R. 72-A
Ammonium persulphate, R. 72-A
Ammonium bicarbonate, R. 72-A
Ammonium chloride, R. 72-A
Ammonium carbonate, R. 72-A
Aniseed, A.05.22
Annatto, R. 26, A.26.09
Annatto colour, R. 42, A.12
Annatto colour (food grade), R. 48-C
Anticaking agents, R. 32, 62
Antifoaming agents, R. 62-A
Antioxidants, R. 32, 58
Apples, R. 55
Apricots, R. 48-B, 55
Arhar pulse (dal) split, A.18.06.09
Arrowroot, A.03.01
Artificial sweetner, R. 42, 47
Asafoetida, R. 22, A.04
Asafoetida, compounded, A.04
Ascorbic acid (food grade), R. 48-C, 72-A
Ascrobyl palmitate, R. 59
Aspartame, R. 32, 42 (zzz)(2)
Atta, R. 22, A.18.01
Atta, fortified, A.18.01.01
Atta, paushtik, A.18.01.02
Baby food, R. 22
Bacon, R. 55
Badi elachi powder, A.05.04.02
Badi elachi seeds, A.05.04.01
Badi elachi whole, A.05.04
Bajra, A.18.06.03
Bakery shortening, A.19.01
Baking powder, R. 57, 72-A, A.02
Bandhani hing, A.04
Barley, pearl, A.18.05
Barley sugar, R. 37
Barley water, R. 55
Barrey ka tel, A.17.09
Batri, R. 44-A
Batroli ki dal, R. 44-A
Bean, A.06
Beef fat, A.10.01
Beer, R. 55
Bengal-gram, R. 44-A
Benzoic acid, R. 53
Benzoic acid (food grade), R. 48-C
Benzoyl Peroxide, R. 72-A
Besan, R. 22, A.18.04
Beta isomer, R. 65
Beta-carotene, R. 26
Beta-apo-8 carotenal, R. 26
Beverages, R. 57
Beverages, alcoholic, A.29
Beverages, non-alcoholic, A.01
Bhatti katha, R. 49
Binole ka tel, A.17.02
Biscuits, R. 22, 29, A.18.07
Bishop's weed, A.05.23
Black pepper, light, A.05.17.02
Bleaching agents, R. 32
Blended edible vegetable oil, R. 42(zz), 49, A.17.24
Boiled milk, A.11.01.04
Bread, R. 22, A.18.14
Bread improver, R. 72
Brewed ginger beer, R. 55
Brilliant blue FCF, R. 28
Bubble gum, A.25.02.01
Buffalo milk, R. 42, A.11.01.11
Buffering agents, R. 32
Bulls eye, R. 37
Bura, R. 55

Bura sugar, A.07.02.01
Burfi, R. 20
Butter, R. 22, 29, 32, 46, 50
Butter cheese, R. 32
Butter oil or fat, A.11.02.21.01
Butter toffee, A.25.02
Butylated hydroxy anisole (food grade), R. 48-C, R. 59
Butylated hydroxy toulene (food grade), R. 48-C
Cake, R. 22, 29
Cake mixes, R. 72
Calcium alginate (food grade), R. 48-C
Calcium carbonate, R. 72-A
Calcium phosphate, R. 72-A
Calcium propionate (food grade), R. 48-C
Calcium salt, R. 53
Candied peel, R. 55
Cane sugar, R. 22
Canned cherry, R. 55
Canned rassogolla, R. 55
Canthaxanthin, R. 26
Caramel, R. 25, 26, 57, A.26.08
Caramel (food grade), R. 48-C
Caraway black, A.05.02
Caraway powder, A.05.01.01
Caraway whole, A.05.01
Carbia callosa, R. 44-D
Carbide gas, R. 44-AA
Carbonated water, R. 22, 47, 57, A.01.01
Cardamom amomum powder, A.05.04.02
Cardamom amomum seeds, A.05.04.01
Cardamom amomum whole, A.05.04
Cardamom powder, A.05.03.02
Cardamom seeds, A.05.03.01
Cardamom whole, A.05.03
Carmoisine, R. 28, A.26.12
Carob powder, A.10.08
Carotene, A.12, A.26.06
Carum bulbocastanum, A.05.02
Cashewnuts, R.48-B
Cassia bark, R. 42
Cassia taj whole, A.05.06.02
Catechu, A.21
Cereals, R. 22, A.18
Chakka, A.11.02.22
Chana dal, A.18.06.12
Chana whole, A.18.06.08
Chandi ka warq, A.27.01
Chapa, R. 44-A
Chapri, R. 44-A
Cheese, R. 22, 29, 32, 55
Cheese (hard), R. 42, 49 A.11.02.07
Cheese processed, A.11.02.07.01
Cherries, R. 55
Chewing gum, R. 27, A.25.02.01
Chewing tobacco, R. 42
Chhanna, R. 55, A.11.02.05
Chhoti elachi powder, A.05.03.02
Chhoti elachi seeds, A.05.03.01
Chhoti elachi whole, A.05.03
Chicory, R. 57, A.08.02
Chicory-coffee mixture, A.08.03
Chikling vetch, R. 44-A
Chillies, R. 42
Chillies powder, A.05.05.01
Chillies whole, A.05.05
Chlorine, R. 72-A
Chlorophyll, R. 26, A.26.07
Chocolate, R. 22, 61
Chocolate ice-cream, R. 42, A.11.02.08
Chural, R. 44-A
Chutney, R. 20, R. 55
Cider, R. 55
Cinnamon, R. 24
Cinnamon powder, A.05.06.01
Cinnamon whole, A.05.06
Cloves, A.05.07
Cloves powder, A.05.07.01
Coaltar food colour, A.26.14
Coaltar food colour preparation, R. 42
Cocktails, 57
Cocoa, R. 29
Cocoa butter, A.10.05
Cocoa powder, R. 57
Coffee powder, soluble, A.08.04
Coconut oil, R. 44, 49, A.17.01
Coffee, A.08
Coffee-chicory mixture, R. 42, A.08.03
Coffee extract, R. 55
Coffee green, A.08.01
Coffee mixture, R. 44
Coffee, prepared, R. 20
Common salt, R. 53, 62
Coffee raw, A.08.01
Coffee unroasted, A.08.01
Colouring matter, R. 23-31
Compounded asafoetida, R. 22, 42, A.04
Concentrated soft drink, R. 57
Condensed milk, R. 22, 42, 49
Condensed milk sweetened, R. 42, A.11.02.11

Condensed milk sweetened and flavoured, R. 42
Condensed milk unsweetened, R. 42, A.11.02.10
Condensed skimmed milk sweetened, R. 42, A.11.02.13
Condensed skimmed milk unsweetened, A.11.02.12
Condiments, R. 32, A.05
Confectionery, R. 22, 29, 49, A.25
Conventional edible oils, R. 44
Cooked pickled meat, R. 55
Copper, R. 57
Coriander powder, A.05.08.01
Coriander whole, A.05.08
Cordial, R. 55
Corn oil, A.17.14
Cornflakes, R. 22
Corn flour, R. 55, A.18.08
Corn syrup, 55
Cotton seed oil, R. 44, A.17.02
Cottonseed (whole), R. 65
Coumarin and dihydrocoumarin, R. 63-A
Cow milk, R. 42, A.11.01.11
Cream, R. 20, 22, 44, A.11.02.02
Cream cracker, R. 37
Crop contaminants, R. 57-A
Crushes, R. 55
Crystallised glace, R. 55
Cube sugar, R. 55, A.07.06
Cumin black powder, A.05.10.01
Cumin black whole, A.05.10
Cumin powder, A.05.09.01
Cumin powder, A.05.09.01
Cumin whole, A.05.09
Curcumin, R.26
Curd, R. 44, A.11.02.04
Cured fruit, R. 55
Currants, R. 48-B
Curry powder, R. 22, 32, A.05.21
Custard powder, R. 22, 29, A.18.10
Dahi, R. 20, 22, 29, 44, A.11.02.04
Dairy products, R. 72
Dal arhar split, A.18.06.09
Dal biji, plain, R. 29
Dal chana, A.18.06.12
Dal moong split, A.18.06.10
Dal urd split, A.18.06.11
Dal masur split, A.18.06.12
Dalchini, R. 42
Dalchini powder, A.05.06.01
Dalchini whole, A.05.06
Dead animal flesh, R. 48
Deshi (cooking) butter, A.11.02.20
Dalmoth, R. 29
Danish tinned caviar, R. 55
Dehydrated soup mix, R. 55
Dehydrated vegetables, R. 55, 55-A
Delta isomer, R. 65
Deoiled meal, R. 50
Dessicated (dried) milk, R. 42
Dextrose, R. 53, 55, A.07.07
Dhania powder, A.05.08.01
Dhania whole, A.05.08
Dhupa fat, A.10.11
Dihydrocoumarin, R. 63-A
Double toned milk, R. 42, A.11.01.09, A.11.01.11
Dried fruits, R. 55, 65
Dried ginger, R. 55
Dried glucose syrup, R. 42, 49, A.07.11
Dried mango powder (amchur), A.05.25
Dried mango slices, A.05.24
Dried soups, R. 55
Dubbia, R. 44-A
Edible animal body fat, R. 50
Edible common salt, A.15
Edible fat, R. 22, 32, A.10
Edible flour, R. 50
Edible gelatin, R. 55
Edible gums, R. 32
Edible ices, A.07.04
Edible molasses, R. 57
Edible oil, R. 22, 32, 42(zz), 44, 49, 50, 57, A.17
Edible oil (imported), R. 42
Edible oil (mixture), R. 44
Edible starches, R. 32
Edible vegetable oil, R. 44, 53
Eggs, R. 65
Elachi, *see* 'Badi elachi' and 'Chhoti elachi'
Emulsifying agent, R. 60
Erythrosine, R. 28, A.26.04
Essential oil, R. 49
Estergum A.01.01
Estragole, R. 63-A
Ethyl Methyl Ketone, R. 63-A
Ethyl 3 Phenylglyidate, R. 63-A
Ethylester of beta-apo-8 carotenoic acid, R. 26
Eugenyl ether, R. 63-A
Evaporated milk, R. 42, A.11.02.10
Evaporated skimmed milk, R. 2, A.11.02.12

Fast green FCF, R. 28
Fast red E, A.26.13
Fat, edible, A.10
Fat rapeseed, A.31
Fat spread, R. 42, 49, 55, 59, 72
Fennel powder, A.05.11.01
Fennel whole, A.05.11
Fenugreek powder, A.05.12.01
Fenugreek whole, A.05.12
Fig, R. 48-B
Fish, R. 32
Fish, canned, R. 57
Flavoured milk, A.11.01.05
Flavoured tea, R. 42, 44-G
Flavouring agents, R. 29, 63
Flesh of dead animals, R. 47
Flour confectionery, R. 55
Flour for baked food, R. 55
Flour improvers, R. 32
Fluid milk, R. 42
Food additives, R. 48-C, R. 64-C
Food colours, R. 28, R. 48-A, A.26
Foodgrain, R. 65 A.18.06
Foodgrains (not specified), A.18.06.14
Fortified atta, A.18.01.01
Fortified maida, A.18.02.01
Fortified mineral water, A.32
French coffee, A.08.03
Frozen desserts, R. 29, 61-C
Fruits, R. 32, 55, 65
Fruit bar, R. 29
Fruit beverage, R. 29, A.16.05
Fruit chutney, A.16.11
Fruit cordial, R. 29
Fruit drink, R. 29, A.16.05
Fruit jelly, R. 55, A.16.15
Fruit juice, R. 55, A.16.01
Fruit juice concentrate, R. 55
Fruit powder, R. 62
Fruit products, R. 22, A.16
Fruit pulp, R. 55
Fruit squash, R. 29, A.16.04
Fruit syrup, R. 29, 55, A.16.03
Full cream milk A.11.01.10
Fumaric acid, R. 72
Fumaric acid (food grade), R. 48-C, A.16.02
Fungal Alpha-amylase, R. 72-A
Garlic powder, R. 62
Gamma isomer, R. 65
Gamma rays, R. 73
Gelatin, R. 55, A.22
Gelatin (food grade), R. 48-C
Ghee, R. 22, 44, 44-B, 50, A.11.02.21
Gingelly oil, A.17.11
Ginger beer, R. 37
Ginger powder, A.05.13.01
Ginger whole, A.01.13
Gluconodelta Lactone, R. 72-A
Glucose, liquid and solid, R. 57
Glucose syrup, R. 53
Glucose syrup, dried, A.07.11
Goat fat, A.10.03
Goat milk, R. 42, A.11.01.11
Goldspot, R. 37
Golden syrup, A.07.08
Gram powder, R. 22
Green coffee, A.08.01
Ground coffee, A.08.01
Groundnut kernel, A.28
Groundnut oil, R. 42, A.17.03
Gur, R. 20, 22, 55, A.07.05
Haldi powder, A.05.20.01
Haldi whole, A.05.20
Ham, R. 53, 55
Hard boiled sugar, R. 22
Hard boiled sugar confectionery, R. 55, A.25.01
Hard cheese, A.11.02.07
Herbs, dried, R. 57
Hexachlorocyclohexane, R. 65
Hing, A.04
Hingra, R. 42, 49, A.04
Honey, R. 22, 45, 53, A.07.03
Honey dew, R. 44-D
Ice-candy, R. 20, 29, A.07.04.01
Ice-cream, R. 20, 22, 29, 32, 42, 57, A.11.02.08
Iced lollies, R. 57, A.07.04
Icing sugar, A.07.09
Indian copal, A.10.11
Imported edible oil, R. 42
Indigo carmine, R. 28, A.26.05
Infant food, R. 37-A, 37-B, 55-B, 57
Infant formula, A.11.02.18.01
Infant milk, R. 57
Infant milk food, A.11.02.18
Inorganic colouring matters, R. 27
Insect-damage dry fruits, R. 48-B
Insecticides, R. 49, 65
Instant coffee-chicory mixture, R. 42, A.08.05
Interesterified vegetable fat, A.17.15.01
Iodised salt, R. 62, A.15.01

Irani hing, A.04
Iron fortified common salt, R. 42, 57, 62, A.15.02
Irradiated food, R. 37, 42(zzz) (7), 44-F, 48-D, 73
Isothujone, R 63-A
Jaepatri powder, A.05.14.01
Jaepatri whole, A.05.14
Jaggery, R. 55, A.07.05
Jaiphal powder, A.05.16.01
Jaiphal whole, A.05.16
Jam, A.16.07
Jams, R. 22, 29, 55 (38)
Jawar, A.18.06.03
Jellies, R. 22, 29, 55 (38)
Jelly crystals, R. 29
Juice, R. 55
Juice, A.16.01
Kalakand, R. 20
Kalimirch light, A.05.17.02
Kalimirch powder, A.05.17.01
Kalimirch whole, A.05.17
Kalonji powder, A.05.10.01
Kalonji whole, A.05.10
Kangra tea, R. 44-E, A.14.01
Karas, R. 44-A
Karil, R. 44-A
Kasa, R. 44-A
Kasari, R. 44-A
Kassartiuri, R. 44-A
Kassor, R. 44-A
Kassur, R. 44-A
Katha, R. 49
Kesar, A.05.19
Kesari bele, R. 44-A
Kesari dal, R. 44-A
Kesari gram, R. 44-A
Kesori, R. 44-A
Khandsari sugar, A.07.02
Khandsari (sulphur), R. 55
Khas Khas whole, A.05.18
Khesari, R. 44-A
Khesari dali, R. 44-A
Khesra, R. 44-A
Khoa/Khoya, R. 20, 22, A.11.02.17
Kisari, R. 44-A
Kokum fat, A.10.09
Kulfa, R. 42
Kulfi, R. 42, A.11.02.08
L-Cystein mono hydrochloride, R. 72-A
Lactic acid, R. 49, 53
Lakh, R. 44-A
Lakheri, R. 44-A
Lakhi, R. 44-A
Laki bele, R. 44-A
Lal mirchi powder, A.05.05.01
Lal mirchi whole, A.05.05
Lamka, R. 44-A
Lang, R. 44-A
Lanki, R. 44-A
Lard, A.10.04
Latri, R. 44-A
Laung powder, A.05.07.01
Laung whole, A.05.07
Lead, R. 57
Lemon juice, R. 57
Light black pepper, R. 42, A.05.17.02
Lime juice, R. 57
Linseed oil, A.17.04
Liquid beverage, R. 32
Liquid milk, R. 32
Low and high fat cocoa powder, A.10.06
Lozenges, R. 29, A.25.02
Mace powder, A.05.14.01
Mace whole, A.05.14
Macaroni products, A.18.11
Magifera indica linn, A.10.10
Mahua oil, A.17.05
Maida, R. 42, A.18.02
Maida, fortified, A.18.02.01
Maida, paushtik, A.18.02.02
Maize, A.18.06.02
Maize cob, R. 65
Maize oil, A.17.14
Maize starch, A.18.08
Malai, A.11.02.03
Malted food, R. 29
Malted milk food, R. 22, 42, A.18.12
Mango kernel fat, A.10.10
Margarine, R. 49, 55(38), A.12
Marmalade, R. 29, 55, A.16.09
Masala, R. 42
Masur dal, A.18.06.13
Masur whole, A.18.06.05
Matter, R. 44-A
Meat, R. 32
Meat and poultry, R. 65
Meat, canned, R. 57
Meat extracts, R. 57
Meat product, R. 42
Menthol, R. 64-BBB (*omitted*)

Methi powder, A.05.12.01
Methi whole, A.05.12
Methyl, R. 63-A
Methylester of beta-apo-8 carotenoic acid, R. 26
Milk, R. 20, 22, 29, 50, 57, A.11.01.01
Milk and milk products, A.11
Milk (containing added water), R. 44
Milk fat spread, R. 42
Milk ices, A.11.02.09
Milk lollies, R. 29, A.11.02.09
Milk powder, R. 22, 42, 49, A.11.02.14
Milk powder containing lecithins, R. 42
Milk products, R. 65, A.11
Milk toffee, A.25.02
Milk whole, R. 65
Milled foodgrains, R. 65
Mineral, R. 32
Mineral oil, R. 44-AAA, 49
Mineral water, A.32
Misri, R. 55, A.07.01.01
Mixed fat spread, R. 42
Mixed ice-cream, R. 20, 22, 29
Mixed masala (fried), R. 42
Mixed masala whole, R. 32, A.05.21.01
Mixed milk, A.11.01.05-A, A.11.01.11
Modified toffee, A.25.02
Mono-sodium glutamate, R. 42
Moong dal split, A.18.06.10
Moong whole, A.18.06.07
Moongphali ka tel, A.17.03
Muku, R. 44-A
Mustard oil, R. 42, R. 44, A.17.06
Mustard powder, A.05.15.01
Mustard whole, A.05.15
Mutra, R. 44-A
Mutton fat, A.10.02
Naryal ka tel, A.17.01
Natamycin, R. 55-C
Naturally occurring toxic substances, R. 57-A
Nectars, R. 55
Niger seed oil, A.17.12
Nitrates, R. 53, 55-B
Non-alcoholic beverages, R. 29, A.01
Non-conventional edible oil, R. 44
Nutmeg powder, A.05.16.01
Nutmeg whole, A.05.16
Nutritional food, R. 32-A
Nuts, R. 48-B
Okra, R. 65
Olive oil, A.17.07
Onions, R. 73
Onions, dehydrated, R. 57
Onion powder, R. 62
P. Propylanisole, R. 63-A
Palm kernel oil, A.17.21
Palm oil, A.17.19
Palmolein, R. 42, A.17.20
Pan masala, R. 42(zzz)(3), A.30
Paneer, R. 55, A.11.02.05
Partially hydrogenated soyabean oil, A.17.26
Partially hydrogenated and winterised soyabean oil, A.17.25
Partly skimmed milk powder, R. 22, 42, A.11.02.16
Pasteurisation, A.11.01.02
Pasteurised milk, R. 42
Pastries, R. 22, 29
Pathani hing, A.04
Paushtik atta, A.18.01.02
Paushtik maida, A.18.02.02
Peaches, R. 55
Pearl barley, A.18.05
Pears, R. 55
Peas, R. 29
Pepper black powder, A.05.17.01
Pepper black whole, A.05.17
Permitted coaltar food colours, R. 29
Permitted food colours, R. 48-A
Pesticides, R. 65
Phulwara fat, A.10.12
Pickled meat, R. 53
Pickles, R. 55, A.16.16
Pigments, R. 27
Pinheads, A.05.17.03
Plain dal biji, R. 29
Plantation white sugar, A.07.01
Plastic containers, R. 49
Polyglycerol esters of fatty acids, R. 60, 61
Polyglycerol ester of interesterified ricinoleic acid, R. 60, 61
Ponceau, R. 4, R. 28, A.26.11
Poppy seed oil, A.17.08
Poppy whole, A.05.19
Potassium bromate, R. 72-A
Potassium lodate, R. 72-A
Potassium iodate, A.01.01
Potassium metabisulphite (food grade), R. 48-C
Potato, R. 65, 73
Prepared coffee, R. 20

Prepared food, R. 20, R. 22
Prepared tea, R. 20, R. 22
Preservatives, R. 20, 52, 55-A
Processed cheese, R. 55, 72, A.11.02.07.01
Processed cheese spread, A.11.02.07.02
Processed fruits, R. 43
Propionic acid, R. 53
Proprietary foods, R. 37-A
Protein rich atta, R. 49, A.18.01.02
Protein rich maida, A.18.00.02
Pulses, R. 22
Quick-cooking oats, A.18.13
Rai powder, A.05.15.01
Rai whole, A.05.15
Raisins, R. 48-B, 55
Rapeseed grown abroad, A.17.18
Rapeseedoil, R. 42, A.17.06
Raspberries, R. 55
Rasogollas, dry mixes of R. 55
Raw coffee, A.08.01
Raw palm oil, A.17.19
Raw sugar, R. 57
Rawa, A.18.03
Ready to drink beverages, R. 57
Ready to serve fruit beverages, R. 32
Recombined milk, A.11.01.07, A.11.01.11
Refined oil, R. 42
Refined salseed fat, R. 42, A.10.07
Refined sugar, R. 55, A.07.01.02
Refined vegetable oil, R. 42, A.17.15
Refined white sugar, R. 55
Release agent, R. 62-B
Resultant atta, A.18.01
Riboflavin, A.26.01
Riboflavin (Lactoflavin), R. 26
Rice, A.18.06.04
Rice bran oil, R. 42, 44, A.17.23
Rice grain polished, R. 65
Rice grain unpolished, R. 65
Roasted coffee, A.08.01
Rolled oats, A.18.13
Saccharine sodium, R.47, A.07.10.125
Safed jeera powder, A.05.09.01
Safed jeera whole, A.05.09
Safflower seed oil, R. 44, A.17.09
Saffrole, R. 63-A
Saffron, R. 22, 26, A.05.19
Sago, R. 29, A.03.02
Salad dressing, R. 72
Salts, R. 32, 62
Sandika, R. 44-A
Sandwich spread, R. 72
Sargiya ka tel, A.17.12
Sarson ka tel, A.17.06
Sarson powder, A.05.15.01
Sarson whole, A.05.15
Sauce, A.16.12
Saunf, A.05.22
Saunf powder, A.05.11.01
Saunf whole, A.05.11
Sausage, R. 55
Sausage meat, R. 55
Savouries, R. 29, 50
Semolina, A.18.03
Separated milk, R. 20, 29
Sequestering agents, R. 32
Sesame oil, A.17.11
Sharbat, R. 29, 55, A.07.08.1
Sheep milk, A.11.01.11
Shrikhand, A.11.02.22.01
Siahjira powder, A.05.01.01
Siahjira whole, A.05.01
Silver leaf (food grade), R. 22, A.27.01
Skimmed milk, R. 20, 44, A.11.01.10, A.11.01.11
Skimmed milk chhanna, R. 20, 29, A.11.02.06
Skimmed milk paneer, A.11.02.06
Skimmed milk powder, R. 22, 42, A.11.02.15
Smoked fish, R. 55
Sodium alginate (food grade), R. 48-C
Sodium benzoate (food grade), R. 48-C
Sodium carboxymethyl cellulose (food grade), R. 48-C
Sodium diacetate, R. 53
Sodium metabisulphite (food grade), R. 48-C
Sodium propionate (food grade), R. 48-C
Soft drink, R. 32, 57
Soft drink concentrates, R. 29
Solid pectin, R. 57
Soluble coffee powder, A.08.04
Soluble saccharin, A.07.10
Solvent extracted oil, R. 50, 66
Solvent in flavour, R. 64
Sonth powder, A.05.13.01
Sonth whole, A.05.13
Sorbic acid, R. 53
Sorbic acid (food grade), R. 48-C
Sorbitol (food grade), R. 48-C
Soup, R. 55
Soup powder, R. 29
Soyabean oil, A.17.13

Soyabean oil, R. 44
Soyabean sauce, A.16.12.01
Spaghetti, A.18.11
Spices, R. 22, 32, 53, 73, A.05.01
Spices based sauce, A.16.13
Split pulse (dal) arhar, A.18.06.09
Split pulse (dal) moong, A.18.06.10
Split pulse (dal) urd, A.18.06.11
Squash, R. 55
Stabilising agent, R. 60
Standardised milk chhanna, R. 20
Standardised milk, R. 42, A.11.01.06, A.11.01.11
Starchy foods, A.03
Starch phosphate, R. 61-A
Sterilization, A.11.01.03
Strawberries, R. 55
Strawberries, bottled or canned, R. 29
Suet, A.10.01
Sugar, R. 49, 53
Sugar beet, R. 65
Sugar boiled confectionery, R. 29
Sugar confectionery, R. 49
Suji, A.18.03
Sulphuric acid (food grade), R. 48-C
Sulphurous acid, R. 53
Sultanas, R. 55
Sunflower seed oil, R. 44, A.17.22
Sunset yellow FCF, R. 28, A.26.02
Sweetened ice, R. 29
Sweetened mineral water, R. 55
Sweetening agents, A.07
Sweets, A.25
Synthetic beverages, R. 29
Synthetic colours, R. 28, 29, 48-A
Synthetic syrup, R. 29, A.07.08.1
Synthetic vinegar, A.20.01
Syrup, R. 22, 55
Table (creamery) butter, A.11.02.19
Table salt, R. 42, 49
Table top sweetner, R. 47
Taramira oil, A.17.10
Tartrazine, R. 28, A.26.01
Tea, R. 22, 42, 57, 65, A.14
Tea, prepared, R. 20
Teora, R. 44-A
Tertiary butylhydro quinone, R. 59
Thread candies, R. 29
Thujone, R. 63-A
Til oil, R. 44, R. 44-C, A.17.11
Tin, R. 57
Tinra, R. 44-A
Tisi ka tel, A.17.04
Titanium dioxide, R. 27
Titanium dioxide (food grade), R. 49
Tiuri, R. 44-A
Toasts, R. 22
Toddy, A.29.01
Toffee, R. 22, A.25.02
Tomato juice, R. 57, A.16.02
Tomato ketchup, A.16.06
Tomato paste, R. 55, A.16.14
Tomato puree, R. 55, 55-A, A.16.14
Tomato powder, R. 57
Tomato relish, A.16.06
Tomato sauce, R. 55, A.16.06
Toned milk, R. 20, 42, A.11.01.08, A.11.01.11
Toria ka tel, A.17.18
Toria oil, A.17.06
Triputi, R. 44-A
Turmeric, R. 26
Turmeric (containing foreign matter), R. 44
Turmeric powder, R. 57, A.05.20.01
Turmeric whole, R.57, A.05.20
Unroasted coffee, A.08.01
Urd dal split, A.18.06.11
Urd whole, A.18.06.06
Vanaspati, R. 22, 42, 44, 50, A.19
Vataria indica linn, A.10.11
Vattu, R. 44-A
Vegetable, R. 32, 65
Vegetable fat spread, R. 42
Vegetable oil, R. 44, R. 60, 61, A.17.15
Vegetable products, R. 22
Vermicelli, A.18.11
Vinegar, R. 53, A.19.02
Vitamins, R. 32
Wafer biscuit, A.18.07
Warq, chandi ka, A.27.01
Water-melon seed oil, A.17.17
Wheat, A.18.06.01
Wheat flour, A.18.02
Wheat flour, R. 22, 42
White sugar, R. 55
Whole meal barley powder, A.18.05.01
Wine (non-alcoholic), R. 55
Yeast, R. 57
Zinc, R. 57

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